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No. \_\_\_\_\_

ALEXANDER L. STEVAS,  
CLERK

IN THE SUPREME COURT OF ~~THE UNITED STATES~~

OCTOBER TERM, 1985

THE PEOPLE OF THE STATE OF MICHIGAN,  
PETITIONER

vs.

ROBERT BERNARD JACKSON,  
RESPONDENT

ON WRIT OF CERTIORARI TO THE  
MICHIGAN SUPREME COURT

JOINT APPENDIX

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173/27

**TABLE OF CONTENTS**

	<u>PAGE</u>
Docket Entries.....	1
Table of Testimonial Record Contained	
A) Petitioner's Entries	
1) Sgt. Richard Ericson.....	2
2) Robert Jackson.....	14
3) Trial Court's Opinion.....	15
4) Sgt. Shirley Garrison.....	24
5) Sgt. William Hoff.....	27
6) Robert Jackson - August 2, 1979 Taped Confession.....	31
B) Respondent's Entries	
1) Sgt. Richard Ericson.....	80
2) Robert Jackson.....	87
3) Sgt. Shirley Garrison.....	102
4) Sgt. William Hoff.....	122
5) Trial Court's Opinion.....	136
6) Sgt. William Hoff.....	137
7) Michael White-Tape Transcript.....	144
8) Arraignment - 1 August 1979...	165
Michigan Court of Appeals Opinion.....	171
Michigan Supreme Court Opinion.....	171

**DOCKET ENTRIES**

Issuance of Complaint and  
Warrant.....1 August 1979

Arraignment on Warrant.....1 August 1979

Preliminary Examination...24 August 1979,  
17 September 1979

Walker Hearing.....15-28 September 1979

Trial.....29 November 1979 to  
4 February 1980

Sentence.....14 February 1980

PETITIONER'S ENTRIES

SGT. R. ERICSON (15 November 1979):

-66-

- Q. What did you do after the warrant request was prepared?
- A. I went to the out county branch of the Wayne County Prosecutor's Office and presented it.
- Q. How long were you there, when did you leave, what did you do after that?
- A. I spent approximately two hours there meeting with Mr. Sage and some of his assistants while he reviewed the request and while the warrant was prepared. I returned, left the out

-67-

county branch of the Prosecutor's Office about four o'clock. I arrived at the 16th District Court in Livonia somewhere near four-thirty, four-twenty, some place in there.

- Q. Now the warrant that was approved by Mr. Sage of the Prosecutor's Office, who were the named defendants on that warrant?
- A. Mildred Vernell Perry, Charlie Knight, Bobby Jackson, and Michael White.
- Q. What happened after you got back to the police station?

- A. I didn't go to the police station. I went directly to court from the Prosecutor's Office.
- Q. What happened when you got to court?
- A. I talked briefly with Mr. Bockoff, Mildred Perry's attorney, in the hallway, and then it was a matter of waiting for the court to convene.
- Q. Did the court convene, and if so, what was done in court?
- A. The court voir dired me relative to the issuant of the warrant. At the completion of my testimony, the judge did issue the warrant and the four defendants were brought before the court and arraigned and there were two search warrants issued.
- Q. Where were the defendants taken after the arraignment?
- A. Back to the Livonia police station.
- Q. After that did you speak with any of the defendants at any other time following the arraignment on the warrant?

-68-

- A. Yes, I did.
- Q. Who, where, and when?
- A. I sat in while statements were taken from all three male defendants or from I should say Bobby Jackson, a new statement was taken from him --



THE COURT: (Interposing) When was this, now?

THE WITNESS: That was during the same evening of the arraignment.

THE COURT: You mean August 1st?

THE WITNESS: Yes, sir. And then the next morning we took another statement or took a statement from Michael White.

BY MR. SELLER:

Q. The next morning, which would be August 2nd?

A. I believe -- yes.

Q. Now what was the purpose in taking another statement from Robert Jackson?

A. Well, I had learned during the day, while I was preparing the warrant request that I submitted to the prosecutor, that Bobby Jackson had now changed his statement.

Q. And in the statement that was taken from Robert Jackson on the 1st, following the arraignment, did his story change?

A. Yes, it did.

Q. In what sense?

A. His words were, as a matter of preface, after the Miranda warnings and some of the other amenities, was that anything he said originally that he did, Mike White did, and anything that he said Charlie Knight did, he, Bobby Jackson did. So what he in sum and substance told us was that he had switched roles. In other words, he had placed Charlie Knight in his position. The reason for this was vengeance.

Q. Then what was the substance, very briefly, of the last statement taken from Robert Jackson?

A. That he in fact was the shooter and actually shot Elwood Perry and that Michael White was the person that went with him, had secured the gun, furnished him with the gun, gone into the house.

Q. Now prior to taking that statement, did you again advise Mr. Jackson of his rights?

A. Sergeant Hoff did.

Q. All right. And was that statement recorded?

A. Yes.

Q. Is that recording here in the courtroom today?

A. Yes, sir.

-6-

Q. Were any of the three recorded statements of Mr. Jackson that you have referred to transcribed?

A. Yes, they were. The last two were.

Q. Why not the first one?

A. The tape was of a poor quality, it was scratchy, not entirely

-70-

audible.

Q. All right. Are those transcripts here in the courtroom today?

A. They are.

Q. Now you testified that in addition you spoke with or took a statement from Michael White, is that correct, following the arraignment?

A. Yes.

Q. Where and when was that statement taken?

A. That was taken in the classroom in the lower level of the police station, if I remember correctly. Sergeant Hoff conducted that interview, led that interview. Sergeant Garrison and myself stood beside him or sat beside him as he conducted the interview.

Q. Now was that statement tape-recorded?

A. Yes.

-7-

Q. Is that tape in the courtroom today?

A. It is.

Q. Was that tape recording transcribed?

A. It was.

Q. Is that transcript in the courtroom today?

A. It is.

Q. Did you take any other statements from any other defendant during the time period that we have talked about that you have not already told us about?

-71-

A. I believe we have them all.

Q. Prior to each of these statements that we have referred to, did you tell each defendant or each person giving the statement their Miranda rights?

A. I did or another officer, Sergeant Hoff, did in my presence.

Q. All right. Was it each time done in the way that --

MR. DURANT: (Interposing) Your Honor, I am going to object. That is leading.

THE COURT: I haven't heard the question yet.

MR. DURANT: I will wait until he finishes the question.

MR. SELLER:

Q. Was it done each time in a manner similar to the way you earlier went through it for us from the witness stand?

MR. DURANT: Your Honor --

THE COURT: (Interposing) He can answer that.

THE WITNESS: Each of the defendants was given a written Miranda warning sheet, a Livonia Police Department form, and asked to sign it and review it and asked if they understood it. Mr. Jackson's was given to him by me at five-oh-two on the day of his arrest and his signature was witnessed by Sergeant Garrison.

\* \* \*

BY MR. WILLIS:

Q. Sir, during the time Mr. Jackson was being questioned, in other words, from the date and time you first arrested him until such time as he gave the last statement, August 2nd, 1979, he was not permitted to have any visitors, was he?

A. I thought some members of his family were at the station to see him and I know that he was allowed to make telephone calls.

Q. As a matter of fact, one member of his family who was at the station was Frank Crockett (sp), isn't that correct?

A. I am sorry, I don't know.

Q. But those members were not allowed to see him, were they, though they were at the station?

A. I had thought that he had received visitors. There were times

when we couldn't let him receive visitors because we were engaged in the taping.

Q. I see. You thought he had received visitors between July 31st, 1979, at three p.m., and August 2nd, 1979, at ten twenty-four a.m.?

A. Well, I know he received visitors between them.

Q. I see. From his family?

A. Yes.

Q. Who?

A. I believe that his mother and some other members of his family were present in court at the time of the arraignment on the Information.

Q. I mean at the Livonia police station while he was in custody did he receive any visitors?



-10-

A. I had thought that he had.

Q. You thought based on what? Had you seen anyone or had you read any log or anything?

A. No.

Q. What was that based on?

A. He had had contact with his family members, I had seen his family members at the station, and I know of no reason why they wouldn't be allowed to visit with him.

Q. You are saying then that you did not direct that he not receive any visitors?

A. That is correct.

-132-

Q. Did you ever talk to the family yourself?

A. Yes, I did.

Q. Prior to the arraignment, the day of the arraignment?

A. I am not sure.

Q. Did you ever tell him that they could visit?

A. I am not sure.

Q. Did you ever tell them they could not?

A. No, I did not.

-11-

Q. Sir, you say he was allowed to make telephone calls?

A. Yes, sir.

Q. When did me make any telephone calls, if you know?

A. On the day of the arrest, that evening, he made telephone calls, and I don't know if he made some the next day or not.

Q. Excuse me. The day of the arrest he made telephone calls?

A. Yes.

Q. You saw him holding the telephone or going to the telephone or whatever?

A. Yes.

Q. About what time was that?

A. Late in the evening.

Q. After ten p.m.?

A. I think so.

Q. Did you at any time tell him that he could not make telephone calls?

A. No, sir.

-133-

Q. Did you at any time tell him that -- strike that. Did he ask for a lawyer at any time?

-12-

A. On the date of the arraignment?

Q. On the date of the arraignment.

A. Yes.

Q. That is the first time that you heard him request a lawyer?

A. I suggested that he fill out the petition?

Q. Is that the first time you heard him request a lawyer, the date of the arraignment?

A. Yes, sir.

Q. And, sir, did you at any time tell him you don't need a lawyer, we can handle it for you, we will do better than the lawyer?

A. No, sir.

Q. You never told him that?

A. No.

Q. Did you ever hear anyone tell him that?

A. No.

-178-

BY MR. SELLER:

Q. At any time prior to the third or rather the last statement taken from Mr. Jackson, it would be, I think, the third statement -- no, fourth state-

-13-

ment, the third taped statement -- at any time prior to that did he say anything or did anyone say anything about the possibility of his working out some kind of a deal with the prosecutor or the prosecutor making him an offer?

A. No, sir.

-179-

Q. Did Mr. Jackson raise any questions about that in any way?

A. Yes, sir.

Q. Where and when?

A. That would have been approximately ten-thirty on the 1st. That would be after the second taped statement.

Q. Who was present at the time?

A. Myself and Sergeant Garrison, perhaps Sergeant Hoff.

Q. Where were you?

A. In the conference room in the lower level of the police station.

Q. What did Defendant Jackson say?

A. He asked me what was going to happen now.

Q. What did you say?



A. I told him the itinerary. I told him in the morning I would prepare a warrant request, submit it to the Prosecutor's Office, that he would be taken to court the next afternoon, that I felt confident that the prosecutor was going to issue a warrant for murder, conspiracy to murder, and felony fire-arm against him and another defendant, and that he would be taken before the court for arraignment. At that arraignment he could petition the court for a court appointed attorney, and after the arraignment the court appointed attorney and the prosecutor would get together and discuss the case.

ROBERT JACKSON (26 NOVEMBER 1979):

Q. Now when you got back to the station, did there come a time when you were arraigned?

A. Yes, there did.

Q. At that time, when you were arraigned, was there any mention of what rights you had?

A. Yes. I had the right to an attorney.

Q. The answer is yes?

A. Yes, there was.

Q. Okay. Did you have an attorney at that point?

A. No, I didn't.

Q. Now did there come a time after August 1st, 1979 when you gave another statement? On August 2nd, 1979 did you give a statement on tape?

A. Yes, I did.

Q. During that statement was there a mention of what your rights were?

A. Yes, there was.

WAIVER-TRIAL COURT'S OPINION  
(28 NOVEMBER 1979):

THE COURT: All right, gentlemen, thank you very much.

I want to thank all counsel, first, for their very able presentation of the testimony and able argument in this matter.

I think these are both difficult things to decide. I am going to deal with Mr. Jackson first.

Now, basically, it is argued by Mr. Willis that I should believe Mr. Jackson and what he said, which he said many things that directly contradict what the police officers say, and that if I believe what he says, then his statements should be, we are talking about five statements here really, should be excluded, and that I can also assume, as a Judge, that because of what we heard on the tape relating

-16-

-706-

to Mr. White from one-thirty to three-forty or one-fifty to three-forty, that a similar type of interrogation in another room was taken which would cause Mr. Jackson's statement to be inadmissible.

Well, with reference to the latter, I can assume nothing. I have to go upon the testimony or record made before me, and the testimonial record made before me with reference to Mr. Jackson shows no such interrogation nor is there any discussion of it in Mr. Jackson's testimony.

Now let's look at what happened here. The first thing is the statement of three-thirty. Sergeant Ericson testified that Miranda warnings were given to Mr. Jackson in the car on the way back. This was also testified to by Mr. White. Mr. Jackson denies that they told him anything about his rights in the car. I disbelieve Mr. Jackson on that. I think it is absolutely clear that in the car Miranda rights were given. Sergeant Ericson says so, Mr. White indicates the same, and also it seems to me that any experienced police officer today, Miranda having been around as long as it has, who didn't give in a case where First Degree Murder charges were made Miranda warnings in a car after they had arrested the person, would not be a very bright police officer.

-17-

Sergeant Ericson then testified that once they got into the station, and after Miranda warnings

-707-

were given -- incidentally, the record also reflects in one of these transcripts that there had been three times that Miranda warnings had been given before the interrogation, the first taped confession at five-twenty, and I refer specifically to page one of Exhibit Five, the question on the tape of five fifty-two,

"Q. Mr. Jackson, you have been informed three times previously advising you of your rights, once when we initially picked you up at the Detroit Police Department, do you remember that?

A. That's right.

Q. And when we first came to this conference room?

A. That's right.

Q. And at five-oh-two p.m. rather you again were warned, this time in writing of your rights?

A. That's right."

So I think there is no question but what he was given Miranda warnings before any type of statement was taken.

-18-

Sergeant Ericson testified that after they got back and told Mr. Jackson what they had, that Mr. Jackson said, "Well, I see how things are going. You have got Knight." He said he and Mr. Knight had met

-708-

with Mrs. Perry, that they arranged the plot and money exchanged hands and so forth and he goes on and gives some statement at that time. That was fairly shortly after he was brought into the police station because the testimony is fairly undisputed that he was not taken into custody in Detroit until around two o'clock, and certainly you could say that from two o'clock -- it takes almost thirty to forty minutes to get to the Livonia police station from downtown Detroit -- so clearly there was Miranda warnings given then. That statement, I think is no question but what he said at three-thirty is admissible, constitutionally admissible, and so the statement of three-thirty I will admit. I find that it was said, and you of course at trial may attack the weight and credibility of it to your heart's content.

Now the next statement is the five-oh-two confession.

It is the testimony of Mr. Jackson that the first thing he asked when he got to Livonia was that he have a lawyer, and that he was for the first time given his rights at the time of the tape recording at five-oh-two. Well, I think that is clearly

-19-

disputed by his own statement on the tape recording plus the surrounding circumstances.

Mr. Jackson says that -- he testifies that they did not strike him, but he says, when he was there, before he gave the five-oh-two statement, that he heard

-709-

someone being beaten in the police station and that he heard screaming and he feared for his own life. This is one of the reasons he decided he had to give the statement. I disbelieve that completely. There is absolutely no evidence in this record to support anything like that from any other witness or from Mr. White, who has testified rather fully.

Therefore, I feel there were no improper, from the testimony of the officers, no improper representations, coercion, promises of any kind made prior to the five-oh-two confession, Exhibit Number Five. I think proper warnings were given. I think this statement is voluntary. I will admit People's Exhibit Five, the statement of five-fifty-two by Defendant Jackson. You may, of course, in trial attack its weight and credibility as you can with all statements.

The next one we have is the statement of eight forty-eight in which he was asked, because of the bad quality of the first tape, if he would repeat the recorded statement.



-20-

The testimony of the officers is that at that time they asked him, explained that to him. Defendant Jackson claimed that he made these statements because of promises for Second Degree Murder and would get favorable reports from the parole officers. He says this was made

-710-

before the first and the second tape, as I recall his testimony, at least before the first tape.

I note in each tape of the three taped confessions we have that he was asked every time if there is anything he wanted to add to this tape. He was asked every time if he had been promised anything. In each instance, except in the last tape, he said no, and I will deal with the last tape later. In the last tape he made an equivocal answer in which he said, on page thirty-one, and that is Exhibit Thirteen, I am sorry, Exhibit Seven on page thirty-one, in which he said, "No, nothing has been actually guaranteed but it has been said um that, that something may be, may be able to be worked out afterwards with my truthful testimony about my part in this killing." That is the only time in any one of these tapes that he makes any reference whatever to any representation. The explanation is well, that he was set up, he had been told to do that, and therefore he said no. However, if it had all been set up as claimed, he certainly did not

-21-

hesitate to say that in the tape of August 2nd at ten twenty-four a.m.

I think there were adequate warnings given for the eight forty-eight tape, which was basically a repetition of the five-oh-two tape because of the defect in the tape recording. I think the Constitutional rights

-711-

were fully protected of Mr. Jackson, and I will receive the eight forty-eight confession, which is Exhibit Six I believe.

The next matter that comes along relates to the polygraph. The police had a different story from Mr. Knight. Mr. Knight had said that Jackson was the shooter and that White was with him, as I recall, but with reference to Jackson, he definitely said so. Jackson had said in his three statements up to that point that Knight was the shooter and he had gone along. At that point he was asked to take a polygraph, and he was taken to the Michigan State Police Post.

I think here the testimony of Lieutenant Romatowski comes in issue. Lieutenant Romatowski testified that when he arrived there at ten a.m. that first he advised him that he did not have to take a polygraph, and I find that to be true, that the defendant gave him his permission to take it, and then advised him of his Miranda rights and made him write them back.

He asked him about his health and made a determination that he was in proper physical condition to take the polygraph test. He then took the polygraph test, and Romatowski found deception and told him that the polygraph test showed deception, showed that he had lied, and suggested it would be a good idea for him to tell the truth. He then told Sergeant Hoff that the defendant had flunked the polygraph test and that the defendant had told him that he

wanted to tell Hoff the truth. He thereupon was given his Miranda warnings and gave a written confession at twelve-thirty, which is Exhibit Thirteen I think but I am not sure of the number, something like that.

Now Jackson's version is that he continued to ask for an attorney, and I don't find that to be true because not on any of these papers, any of the written documents, is there an indication of a request for an attorney, and that on the way to the Michigan State Police Post that Sergeant Hoff had said, if the defendant made a statement implicating White, he could have a Second Degree Murder. I do not believe that, and not only because I find Mr. Jackson to be an untruthful person in observing his demeanor on the stand, but it just doesn't make sense because if he was going to go for that deal, why did he then lie on the polygraph and say that it was Knight and it was him?

I think there is no question but what the statement at twelve-thirty, which was written out, signed by the defendant, was given after full warning of the rights, and the fact that a polygraph test had been administered does not invalidate a confession which is voluntarily made. There is ample authority on that, and the thing is to look to see if there has been overwhelming force or overwhelming psychological pressure, but the mere use of polygraph testing does not exclude a confession. I cite for that Professor George's

work on Michigan Criminal Procedure, Volume I, Section 3.15(A), page 3.15-3, citing State vs. Clifton, 271 Or. 177, and State vs. Iverson, 225 N.W.2nd 48. Of course, the question again remains voluntariness, proper protection of Constitutional rights. I think there is no question of what the statement of twelve-thirty on August 1st is admissible constitutionally and it will be received subject to the usual cross-examination on weight and credibility.

Finally, we come to the statement of August 2nd at ten twenty-four a.m. at which time Mr. Jackson was taped as to -- was put on tape again as to the changed story he had in which he implicated himself and implicated Mr. White. Mr. Jackson says that after he gave the August 2nd statement that the police wanted a statement from White and wanted him to get White



to cooperate, and then he talked White into making a written statement.

I cite this only to show why I disbelieve Mr. Jackson's testimony because the facts of the matter are that Mr. Jackson's August 2nd statement came after Mr. White -- given long after Mr. White gave his statement, which was on August 1st, so I find little or no credibility in the testimony of Mr. Jackson.

I think there is no question again but what proper warnings were given at the August 2nd ten twenty-four confession. I find them the testimony no improper

threats, promises or denial of rights there, and I will therefore receive Exhibit Seven, which is the confession of August 2nd at ten twenty-four against Mr. Jackson. Of course, you may attack weight and credibility.

SGT. S. GARRISON (7 JANUARY 1980):

Q. Okay. And a lawyer was appointed for him when, what date?

A. When he requested an attorney.

Q. My question is what date was a lawyer appointed for him?

A. I have no idea, sir.

Q. The first you knew that one had not been appointed for him was as of August 2nd, didn't you?

A. I had no idea if one was appointed that day or not, sir.

Q. As of let's say twelve o'clock - one a.m. on August 2nd, no lawyer had been appointed for him?

A. Again, I would have no idea, sir.

Q. You had no idea. I see. You didn't see one come there and request to see Mr. Jackson, did you, to the police station, as of August 2nd, 1979?

A. I don't believe so, sir.

MR. WILLIS: Would the Court take judicial notice of when a lawyer was appointed in this case from the file?

THE COURT: I think we can. I have to look at the file.

Well, according to the records I have -- wait a minute. No, that's not it. According to the records I have, the requesting date for the appointment of a lawyer was August the 2nd, 1979, and that you were appointed --

MR. WILLIS: (Interposing) Not me, Your Honor. I think there was one before.

-26-

-93-

THE COURT: Was there one before?

MR. WILLIS: A lawyer before.

THE COURT: I am not sure. The request date on all the requests for appointment were August 2nd, so it was obviously August 2nd or thereafter that a lawyer was appointed.

MR. WILLIS: Thank you, sir.

For the jury's edification, I wonder if the court might tell us what is meant by a request when we say a request.

THE COURT: The paper I am referring to is a paper signed by the Chief Judge of this Court, in which on August 2nd asking -- referring the matter to another Judge of this Court for appointment, in accordance with our customary procedure of circulating all appointments among Judges, to another Judge of this Court, asking for the appointment of a lawyer for Robert Jackson. That went out sometime on the 2nd of August.

There is an indication here that the examination was to take place on August 9th, but it does not show the date of the appointment. The request went from the Chief Judge to the Judge who made the appointment on August 2nd, so it was probably after August 2nd.

-27-

SGT. W. HOFF (10 JANUARY 1980):

-54-

Q. Sir, let me ask you this. Did Mr. Jackson ask to have a lawyer at any time that you know of?

A. No, sir, he did not.

Q. Did Mr. Jackson at anytime that you know of say I don't want to talk to you?

A. No, sir, he did not.

Q. Because if he had, you would have stopped, is that right?

A. Yes, sir.

Q. Is that because that is what you are supposed to do?

A. Well, we would have made arrangements for him to obtain an attorney and cease or terminate the interview; yes, sir.

-55-

Q. Well, that means that that is what you are supposed to do, is that correct?

A. Well, that is what we would -- we were supposed to have done and also from the fact if he had made that request, it would not have been admissible anyway.

Q. So that's what you would have done?

-28-

A. Yes, sir.

-84-

MR. SELLER: Oh, yes. There is a portion of the tape in which Lieutenant Campbell was talking to Mr. White.

THE COURT: I know.

MR. SELLER: Neither Mr. Jackson was present nor Sergeants Hoff or Garrison. Is defense counsel requesting that we also play that portion?

MR. WILLIS: Yes, sir, because that is --

THE COURT: (Interposing) That doesn't have anything to do with Jackson, does it?

MR. WILLIS: It does. I am saying to this Court also, all the things I have said, that one of them is it is showing their whole scheme with respect to this case, how they were coercing people in some subtle manner to give statements, and they even made the Mutt and Jeff routine. I asked that question, if the Court will recall, of Sergeant Ericson. I thought of Sergeant Garrison. I don't know if I asked it. Didn't you play the good guy-bad guy routine, you know what I mean, Mutt and Jeff in this case, wasn't that part of your plan and scheme.

-29-

THE COURT: I think the Campbell thing is all right unless there is polygraph in it. I don't think there is.

MR. SELLER: If there is, we can excise it.

-85-

THE COURT: All right, bring the jury.

(Defendant Jackson's jury returned to the courtroom)

THE COURT: You can proceed, Mr. Willis.

MR. WILLIS: Thank you, sir.

At this time, Your Honor, I will move on to something else.

THE COURT: I wish you would.

MR. WILLIS: I just wanted to say that in front of the jury for continuity.

BY MR. WILLIS:

Q. Now, Sergeant Hoff, you conducted the interview of Robert Jackson on August 2nd, 1979, is that right?

A. Yes, sir.

Q. Now you stated that Mr. Jackson wrote out something on August 1st, wrote his name across it, that item that has



-30-

been introduced in evidence, wherein he said he shot Mr. Perry, right?

A. Yes, sir.

Q. Now it was after that that you started talking to him about what kind of -- what was going to happen to him, is that right?

A. Yes, sir. You are referring to the conversation --

Q. (Interposing) On the way back.

-86-

A. Yes, sir.

Q. Now he had already given statements before that, obviously, we have heard them, but he hadn't been offered anything, at least up to that time, if he ever was, he had not been offered anything, right?

A. That is correct, to my knowledge.

Q. Now, sir, when you conducted the August 2nd interview with Mr. Jackson, you first started out by giving him his rights, didn't you?

A. Yes, sir.

Q. And, of course, during that you told him he had a right to a lawyer?

A. Yes, sir.

Q. You have told him that before?

-31-

A. Yes, sir.

Q. Did he at any time say I want a lawyer?

A. No, sir.

STATEMENT OF ROBERT JACKSON (8-2-79):

-1-

OFFENSE: HOMICIDE.

Hello Pat, this is Sgt. Hoff, this is a supplement to 79-022458, today's date is August 2, 1979, the time now is 10:24 a.m. and we're in Classroom B-3, lower level of the Livonia Police Department. We will be interviewing a Robert Jackson, with me also is Sgt. Shirley Garrison and Sgt. Richard Ericson. Mr. Jackson just for the record could you indicate your birth date and address into the tape?

A. My birth date is 11-23-52 and my address is 11717 Cascade, Detroit Michigan.

Q. Alright now Robert over the last day and a half or so we've talked with you on prior occasions and we've advised you of your constitutional rights, is that correct?

A. Yes it is.

Q. And at that time you indicated that you did understand your rights and you at that time elected to waive these rights and answer certain questions, is that correct?

A. Yes it is.

Q. Okay I'm going to once again go through your rights and ask if you do understand them now, I'll read them. You do have a right to remain silent, not make any statements or answers nor incriminate yourself in any manner whatsoever. Anything you say can and will be used against you in a court or courts of law for the offense of offenses concerning which any statement is made. Do you understand what I've read this far?

A. Yes I do.

Q. Okay continuing that you can hire a lawyer of your own choice to be present and advise you before and during any questioning and that if you are unable to hire a lawyer you can request and receive appointment of a lawyer by proper authority without cost or charge to you to be present and advise you before and during any questioning. Do you understand them thus far?

A. Yes I do.

Q. And second, or continuing that you can refuse to answer any questions or stop giving any statement any time you want to and that no law enforcement officer can prompt you as to what

to say during this questioning nor write you a statement for you unless you choose for him to do so. Now do

you understand these rights as I've read them?

A. Yes I do.

Q. Now Robert just for the record can you tell us a little about your educational background?

A. Sir I went to McKenzie High School in Detroit, I went to the 11th grade and I had some vocational training, I took a vocational course (inaudible) and basically that's

Q. Okay now you're aware of course that I'm a police officer and these officers are also police officers with the Livonia Police Department, is that right?

A. Yes sir.

Q. Now knowing and understanding your rights ah do you at this time wish to answer any questions that we might ask of you?

A. Yes I am.

Q. Okay now we're going to be discussing an incident that happened the early morning hours of July 12 out in Livonia on Country Club Drive. Before we get into that I want to refer to a conversation I had with you yesterday at the Michigan State Police Post. Do you recall that conversation?

A. Yes I do.



Q. Okay I'm going to show you a copy of the statement which you wrote out and I want you to look at it and recall if you do remember making that written statement?

A. Yes I do.

Q. Okay now that's a statement which is made on a State Police Rights Form which was made to me, Sgt. Hoff, and again at the top of that form is an advisal of your rights, is that correct?

A. Yes it is.

Q. And it was dated August 1, 1979 at 12:27 p.m., there is a space for a signature, that is your signature, is that correct?

A. Yes it is.

Q. Okay the location was Michigan State Police Crime Lab and could you read into the tape what you did write out for me yesterday?

A. I Robert Jackson was the one that shot Mr. Perry on July 12, 1977 about 4:00 a.m. Mike White was with me, Charles Knight was the one that contacted me about Mrs. Perry wanting her husband dead. I met with Mrs. Perry twice and she made a plan that she wanted her husband dead and didn't care-ah, and did care how. I am making this statement of my own free will and the police have treated me fairly.

Q. Okay and then you signed it with your name Robert Jackson, is that correct?

A. That's right.

Q. And on the lower left hand corner can you read that?

A. Ah yes.

Q. And that says

A. Sergeant a McWilliam Hoff

Q. Abbreviation for William Hoff and I dated that August 1, 79 at 12:50 p.m. On that statement you wrote out yesterday for me, was that the truth?

A. Yes it was.

Q. Had anything been added or changed on that statement to your knowledge or can you see any changes?

A. No I can't.

Q. Okay, the only thing that I would question would, up on the date, you said July 12, and you wrote in what was the year?

A. 79

Q. 1979 alright. Okay now we're going to continue and ask you a few more questions about what occurred that night. Can you tell us how you first got involved in this situation?

A. Okay I first got involved through Charles Knight, he approached me with a, he came by my house on Cascade and he told me about a lady that he had been talking with for the last couple of days about her wanting, wanting a hit done on her husband and that he had met with her I'd say a couple of times, you know, on the Monday previously and Tuesday maybe by phone (inaudible) but he did make it known that they had met personally and she had took him out to her house, you know, around and whatnot so he could (inaudible) of what she wanted done and what the location was.

Q. Okay now I'm going to show you a photograph of a person, I want you to tell me who that is?

A. That's Charles Knight.

Q. Okay and he's the one that got you involved into this initially, is that correct?

A. Yes it is.

Q. Okay and on the back I'm going to ah write the number, can you read that number?

A. 4A

Q. That's right, so picture 4A is a photograph of Charles Knight, is that correct?

A. Inaudible

Q. Okay could you continue?

A. Okay then from, from there he asked me about you know getting into the job with him, doing the job with him, he asked me how did I feel about it, so I took a little while and I thought about it and thought about it and I agreed to upon talking with her to be sure that everything was the way it was supposed to have been. Okay and this, we called her on the phone, called her at her job, we talked on the phone, she acts, um, has Charles told you exactly what I wanted done, I says yes he has, she said well um has he told you about ah the money situation about the \$400.00 that I, that Sylvia has you know towards the job. I say yes he has told me that too and she said well how do you feel about (inaudible) this far. I say well still you gonna have some money regardless of what she has in her hand, that's something that's that's distant, that something I, you know, I have no knowledge of period

That's you sayin its there, you know, she said well I can, she said I gave Charley 40 bucks and you can get that forty from him and if possible can we have lunch today at 12:00 and um I will add 60 with that and make that an even hundred.

Q. Okay now, this was a conversation you had with her on the phone?

A. That's right.

Q. Where were you when you were making that conversation?

A. I was at the Cascade my Cascade home, my mother's home.

Q. And ah where did you call her?

A. Inaudible

Q. Okay did you initiate that phone call, did you make that call?

A. No, Charles did.

Q. And do you know where he called her at, what number?

A. No I don't know the exact number.

Q. Alright, so you did make arrangements to meet her and did you subsequently go ahead and meet her at that time?

A. Yes I did.

Q. Could you tell us the date, time and location of that meeting?

A. Okay, this was on - this was on the day of the murder - okay it was approximately a quarter to one when we reached Jacobson's in Dearborn cause we had to catch the bus.

Q. Okay now that's her place of employment?

A. That's right.

Q. You took a bus there from your Cascade address?

A. That's right.

Q. And this was the first time you'd met the woman personally is that correct?

A. That's right.

Q. Okay.

Q. I'm going to show you another photograph here and I want you to look at it and see if you can recognize

A. Yes I recognize the two people in the, the front ground of the photograph.

Q. Can you tell us who those people are?

A. The one on the left is Ms. Millie Perry, the one on the right is Mr. Perry.

Q. Alright, could you, as we turn the picture over you'll notice a number up on the upper right hand corner, that number is what?

A. 1A.

Q. Okay now what happened at that meeting at Jacobson's in Dearborn on, this would be, July 11, just the day of the murder, is that correct?

A. That's right.

Q. Okay, go ahead.



A. Okay ah we went into the store after we got there and we had to inquire because ah we didn't know exactly where she worked at and ah so we were directed to the second level of building, and after we got to the second level, we walked around, we still didn't see her so we had to inquire further. Okay we inquired further then a lady went back in the back, said just a moment and she went back in the back and I overheard her say, its two gentlemen to see you out front, okay, and she came out, say oh, how you guys doin and whatnot so then we proceeded to leave the building through the rear entrance, okay, which is the parking lot, okay, we left there, she stopped at her car for one brief moment while we walked ahead of her and then she came and caught up with us and we walked approximately a block down, across a parking lot to Michigan Avenue and right around the corner to a restaurant.

Q. Do you recall the name of the restaurant?

A. No I don't.

Q. Okay and did you meet and talk with her in the restaurant?

A. Yes I did.

Q. What was the conversation?

A. The conversation was about ah her wanting her husband dead, not beat up, dead.

Q. She was very clear on that point?

A. Yes she was.

Q. Do you remember the exact words that she might have said?

A. Yes, I want my husband dead and I don't care how.

Q. Okay, you remember those words that she told you?

A. Yes I do.

Q. What else was said?

A. Okay, um, it was said that she would take real good care of us guys if we would take care of this job for her because the rest of the money would come off the tail end of the insurance money which wouldn't be but a few weeks after his death.

Q. Did she indicate any specific amount?

A. No she didn't.

Q. In your mind how much did you think that you might get out of this whole incident?

A. Well maybe, maybe 20, 30 grand maybe at the most.

Q. Okay anything else said at that meeting?

A. No, nothing else that had any major significance.

Q. Was there discussion of a rental car?

A. Oh yes that, that was discussed but that, that was, that came up through me.

Q. With her present?

A. Ya with her present.

Q. Was she going to assist you in perhaps renting a car?

A. Ah no I said I would take rr that on mine.

Q. Okay how about a gun, was anything mentioned about a gun at that time with her there?

A. Um m m, yes, ya, it was mentioned about a gun, what we'd use, it was the most obvious, you know, way of taking care of him.

Q. Did you mention that to her?

A. Yes I did.

Q. Oh, what did you say?

A. I said well I would um, I would, I would shoot him that's the way I would do it.

Q. Okay.

Q. Now was there anything said about a letter that she possibly had written prior describing his movements, ah, physical description, address, etc.? Do you recall?

A. Now, what, but she, she described him anyway, she described him then how he looked, about how tall and all of that but to make sure that ah there wouldn't be any mistake about it she said that she gets off at 5:00 and approximately 5:30 sharp that she would come out on the porch with some green shorts on and ah she made a notion that he liked those particular green shorts and that he would be, she would make sure he would be on the porch with her and for us guys to ride by and we could get a good look at the house and him at the same time.

Q. Okay so all of this was given to you verbally by her nothing in writing at that time is that correct?

A. Yes it is.

Q. Okay now this ah incident on the porch was going to take place at ah about what time that day?

A. About 5:30.

Q. So she expected you to be back there in the area around 5:30 is that correct?

A. Yes it is.

Q. Did you agree on doing that?



A. Yes I did.

Q. Okay, how much more conversation took place at that meeting at the restaurant?

A. Um mm, none, none actually after that we jus, just brief little chitty chatter with Charley.

Q. Did she give you the age of her husband?

A. No she did not then.

Q. Did she at any time tell you how old he was approximately?

A. Ya, ah mid forties.

Q. Okay, so you feel you had a pretty good description of ah who the man was, did you know what bedroom that he used at that time?

A. No I didn't.

Q. Okay, ah that meeting, ended, is that right, a short time later?

A. That's right.

Q. As far as the money at that meeting, you obtained how much more?

A. Sixty dollars.

Q. That sixty dollars was the first money that you had actually received on this?

A. Right, directly from her.

Q. Did you split the money with anyone?

A. Yes I did.

Q. And who was that person?

A. Charles Knight.

Q. Gave him exactly half?

A. Yes I did.

Q. Then what happened?

A. Then we proceeded to catch the bus back, -- I stopped and made a phone call about the rent-a-car to see if I could have it delivered and they say that they didn't have anyone available with them to bring the car, that I would have to come in or they had another subsidiary office not too far from where I was and I could possibly contact them

and they may have something that they could you know deliver to where I am. Okay I called them and they said everything they have was on in the street so I, they directed me back to the Livonia Office so they again told me the same thing, that they didn't have anyone available there to come and bring the car with them, there was no problem about me renting one if I could get there.

Q. What Agency did you call?

- A. American Rent A Car.
- Q. They're located where?
- A. On Plymouth Road in Livonia.
- Q. Okay you subsequently did get a car ah is that correct?
- A. Yes I did.
- Q. Can you tell us about that car?
- A. Well the car was a gray, 79 Volare with red interior.
- Q. What time did you pick that car up?
- A. Approximately about, all, almost right at closing time, 6 o'clock.
- Q. And how did you make arrangements to pay for the rental of that car?
- A. Um with, ah with the other half of the sixty dollars that I got from Mrs. Perry.
- Q. You gave them how much do you remember?
- A. Ten dollars.
- Q. Okay. Who was with you when you were renting that car?
- A. Charles Knight.
- Q. Okay after you rented the car, you picked it up at what location?
- A. Ah at the Plymouth address in Livonia.

- Q. Okay then what happened?
- A. And then we left and we rode by the house and then we proceeded and came back to Detroit, went to the (inaudible) and called her again, then okay it had rained so
- 11-
- that had made the, ah, initial you know meeting as far as riding by to see him on the porch that had just you know knocked all that out cause it had rained.
- Q. Now when you went back to the house, how did you know how to get to the house? At that point?
- A. Well let's see, pre, Charles had already met with her, you know previously and ah he had already been out to the house so he knew exactly where it was.
- Q. So you were driving and he was the passenger?
- A. Yes he was.
- Q. And he directed you to that house.  
?
- A. Yes he did.
- Q. I'm gonna show you a photograph and I want you to look at it and see if you can recognize what's in it.
- A. That's the house.

Q. Okay that's the house on Country Club where the Perry's reside is that correct?

A. Yes it is.

Q. Turn the picture over and you'll notice the number on that photograph and that number is what?

A. 2A.

Q. Number 2A, okay. What happened then?

A. Okay we got, we went back home and we called her, for ah, for an additional meeting cause we had to talk then, okay, then upon calling her we found out that he had drove a companies car home and that he was ah gonna take ah, take a trip the next morning. Okay, so initially the way she had it planned at first was to, you know, put her car behind his in the garage and make sure that he would have to come from the garage so that would be the initial place where the murder would take place, would have been in the garage. Okay now that made that impossible now, by the company car being parked directly in front of the house so um she said I'll meet you guys in the parking lot of the Mall on ah I forget the

street, it was at Newburg Road or something there.

Q. Do you recall the name of the store?

A. Ah it was a Great Scott, I do know.

Q. Okay there is a Great Scott at 6 Mile and Newburgh would that be the location?

A. Yes it is.

Q. Anything about the roads in that area that might, you might recall?

A. Yes there was ah, construction on the roads.

Q. Okay so you did meet her at that location, what would the time be approximately?

A. Ah, I'd say about 9:30 or so because it had just gotten night.

Q. Okay and we're still talkin about July 11th.

A. Inaudible

Q. Just a continuation of the same day that we've been discussing, is that right?

A. That's right.

Q. When you met her there what happened?

A. Okay she proceeded and then, you know did beck for us to follow her and we left that Mall and went down to another one not too far away maybe about a half a mile, a mile or so down the same road, Newburgh Road.



Q. And this would have taken you to ah Five Mile and Newburgh is that correct?

A. Okay.

Q. Do you recall a store in that area, a major store?

A. No, not, not in (inaudible) recognize or recall but it was a mall.

Q. Okay now what happened there?

A. Okay there is where I parked and to me, me and Charles got out of the car and we got in her car with her, I locked the rented car and we rode, rode around and proceeded to talk further on.

Q. Okay now when you rode around with her where were you sitting?

A. In the front seat.

Q. And was Charles Knight with you?

A. Yes he was.

Q. And where was he?

A. In the back seat.

Q. Did you continually drive around or did she park the car and talk or what?

A. No its continually drive around.

Q. How long were you in her car?

A. Maybe a half hour, 45 minutes at the longest.

Q. And during this time what did she inform you?

A. She informed us then that he had brung the rental car home and that you know, and that she had asked him, you know, how come he wasn't gonna use his own car and he said because why should I use my own when I can use the company's gas and the company's car and whatnot so that was the, that was the reason for us having another meeting to set something else up.

Q. Did anything else that she told you as far as the, the plans for perhaps that evening?

A. Okay she said ah one way we could do it would be to get him on the front porch on his way out, or at Northland at his place of business in the morning or number 3 on the road when he initially left to take the trip because he would always have to stop and take a leak at the first rest stop, that's one thing we can bet on.

Q. Was she pretty much leaving it up to you as to how and where and when you were going to do this?

A. Yes she did.

Q. At this time she knew that you were going to be the one that, to do this?

A. Yes she did.

-52-

Q: Did she know that Charley ah would not be there that night? At this time?

-14-

A. No she didn't.

Q. Okay so was there anything else that was brought out during that conversation? At that time?

A. Ya as about the ring and the watch, you know, she says a couple of more little goodies now will just go right in with it because I wouldn't want them (inaudible).

Q. For her to mention that she must have assumed that you would be breaking in to the house or coming into the house, is that right?

A. Ah no not in, not in particular (inaudible) that she would just get that concealed and you know bring it out on her own some type a way.

Q. Alright so after this took place she would just give this to you at a later time.

A. That's right.

Q. Okay, so is there anything else that came out of that meeting?

A. Mmm no basilly, basically she was, she was thinkin that we were gonna do it by gettin him in the morning when he left out of the house to leave.

-53-

Q. Okay. Was there any indication by her that there was a certain deadline that had to be met for this thing being done?

A. Yes it was.

Q. What did she say about that?

A. She said ah she had divorce proceedings and they would become final sometime in August and that at that time she would not receive the type of insurance money that she was hopeful that she would get after this was taken care of so she wanted it done at least by August but preferably before the end of that week.

Q. Okay and then of course she was aware of a trip that he was about to go on is that right?

A. Yes it is.

Q. She told you about that trip?

A. Yes she did.

Q. So that would have pushed it up into ah to hafting, to having to be done that night is that

-15-

right?

A. That's right.

Q. She knew it was going to be done that night?

- A. Yes she did.
- Q. Okay so did she take you then back to where your car was parked?
- A. Yes she did.
- Q. Then what happened?
- A. And then she left, pulled off and I left and pulled off and headed back to Detroit.
- Q. Was it that time that you went by the house or you had already been by the house once you figured you knew where it was?
- A. Right.
- Q. So you headed back to Detroit, ah did you go back the Expressway?
- A. Yes I did.
- Q. Okay.
- Q. What happened when you got back?
- A. So when I got back I dropped ah Charles off at home, oh before I got home I stopped by Michael's house.
- Q. Okay and for what purpose?
- A. Ah the purpose was to see if he had ah a gun that I could use.
- Q. Now you say Michael, who are you talking about?
- A. Michael White.

- Q. I'm gonna show you another photograph and see if you identify this person.
- A. That's Michael White.
- Q. Okay I'm gonna reverse the picture, I'm gonna number it I want you to tell me the number on the photograph.
- A. 5A.

- Q. Okay photograph #5A on the back is Michael White is that correct?
- A. Inaudible
- Q. Okay what did you tell Michael White?
- A. I told him that I had a job up and that I would need a gun and asked him did he have one available, preferably a big ah, a big caliber gun preferably.
- Q. What did he say?
- A. He said that he did not have a big caliber gun but he thought that he could get one by the time, you know by that next morning, thought we could come up with one. Okay at this time Charles Knight did not know that Michael was gonna be the one that was gonna go with me, he stayed in the car, I went in the house and talked with him.
- Q. So at this time Charles Knight was still in the car out in front of White's address?



A. That's right.

Q. And at this time did you know that Knight would not be going with you that night?

A. Um yes, now, no no, not, not this, on, on my way to droppin him home that's when you know I really got him on the close sqidgy about you know whether or not he really wanted to go through with this or not.

Q. And what did he tell you?

A. He indicated that he didn't.

Q. Did not want to go

A. That's right.

Q. with it. Alright going back to a conversation you had with Knight, did you ever get anything resolved during that conversation about a gun?

A. With Knight?

Q. I'm sorry with Michael White.

A. Okay no, it was um, I was supposed to call him back a little later on, he would, you know, let me know by the time I got home, he was gonna make some phone calls.

Q. Okay you were aware that he had a gun, though, is that right?

A. Ah yes I was.

Q. Had you ever seen that gun before?

A. Ah yes I had.

Q. Okay now he subsequently did come up with a gun, is that right?

A. That's right.

Q. Now if I showed you a gun do you think you could ah identify it as possibly being the gun that you used that night?

A. Yes I think so.

Q. Okay I'm going to show you a gun, ask you not to touch this gun it hasn't been checked at this time for prints. I want you to look at this gun and tell me what you see.

A. Yes that looks like the weapon.

Q. Alright and can you describe it on tape as to what type of gun it is?

A. It's an automatic and its ah, a real small handgun with ah, a gray steel, it has black ah would you call that black,

Q. Grips.

A. black, ya okay on each side.

Q. Okay and what you're describing here is a .25 caliber Colt Automatic. Ah is this the gun that you used to kill Mr. Perry that night?

A. Yes it is.

-58-

Q. Alright. This is the gun that Michael White gave to you, is that correct?

A. Yes it is.

Q. Okay now when you left Michael White's house you did not leave with the gun is that right?

A. That's right.

Q. Can you tell us what happened after you left his house?

A. Then I went home, I dropped Charles off on my way home, then I went home, then um I'd say

-18-

maybe about an hour or so he called and said that um it looked kind of, the chances were slim of getting a bigger caliber of a gun but he did have one available.

Q. And that was the gun I just showed you?

A. Yes it is.

Q. Did he tell you the caliber or anything about the gun?

A. Um yes (inaudible) yes.

Q. What did he say?

A. He said it was a 25 automatic.

-59-

Q. Okay now you knew at this time that Charley Knight would not be going out with you and did you ask Michael White then? To go with you?

A. Yes I did.

Q. He agreed?

A. Yes he did.

Q. And you later got in contact with him?

A. That's right.

Q. And how did that happen? Did he meet you or did you pick him up?

A. No he met me, he came over to my house at the Monica address.

Q. Okay what happened then?

A. Okay when he came over to the house then that's when we go ah decided that it would be it would be more to our best of interest to just B & E the house and go in and murder Mr. Perry then to do it outside of the house.

Q. Okay now what time did he get over to your house on Monica?

A. Oh maybe about 12:00 (inaudible).

Q. And after discussing it with him um you decided to make the hit earlier than had initially been thought?

A. That's right.

-60-

-19-

Q. Why was that?

A. Because we had thought that if anything, that if it, that if she had ah, that if Mrs. Perry had any type of screw-ups in the fire for us that we would catch it all by surprise.

Q. Okay, we're gonna reverse the tape and ah continue on the other side.  
Sgt. Hoff. The time now is 10:53 a.m.

(Side B of Tape)

of tape, the time now is 10:54 a.m.

Sgt. Hoff. Just to go back to when Michael White came to the Monica address he did have the gun at that time, is that right?

A. That's right.

Q. Okay so you left that address to head out to Livonia at about what time?

A. Approximately like 2:00 or so.

Q. How did you go out to Livonia?

A. An in the rent a car.

Q. And you used what route?

A. Um Expressway, Jeffers.

Q. Okay when you got into the area of the Perry house ah can you tell us ah what you did as far as the drivin around?

-61-

A. Okay we drove through the neighborhood once and looked at the house and see how the neighborhood is set up, okay, I parked on Curtis at first and then we thought that that wasn't such a good idea, two blacks in the evening walking any type of distance, you know, in that type of neighborhood, so we both decided to park the car as nearest the house we could and but not directly in front of the house so we parked about 3 houses down from the Perry house.

Q. Okay now from the time that you got into the area until you parked 3 houses down from the Perry house, how much time had you spent lookin the neighborhood over?

-20-

A. Oh maybe about a half hour, 45 minutes.

Q. Initially had you parked right in front of the Perry house?

A. No.

Q. Is there any street lights in the area?

A. Yes there was.

Q. Okay but the area you parked would you, was it near a street light or away from a street light?



- A. Okay ah, the, the company car they have was parked directly up under the street light so that put us just a little bit away from - from the street light.
- Q. Okay when you say 3 houses away are you talking ah towards 6 Mile?
- A. Yes I am.
- Q. So we're saying south of the house and you parked properly, not facing traffic but you pulled the passenger side of the vehicle to the curb, headed in a northerly direction, would that be correct?
- A. That's right towards the curb.
- Q. Can you tell us about his company car in front of the house, what type of car it was if you remember?
- A. Okay it was ah, ah powder blue lookin, was brand new I believe maybe a Pontiac or somethin maybe a Chevy, ah (inaudible).
- Q. Okay, when you went out to that house ah did White give you the gun or did he carry the gun?
- A. Ah he gave the gun to me.
- Q. When did he give it to you?
- A. Um when we left my house.
- Q. and you carried it on your person?
- A. Yes I did.

- Q. Whereabouts did you carry it?
- A. In my pocket.
- Q. Pants pocket?
- A. Yes.
- Q. Was it loaded?
- A. Yes it was.
- Q. Why did you carry the gun?
- A. There's no particular reason why because I was gonna be the one that was gonna initially kill him.
- Q. So that had been decided by you and White at your house on Monica or even prior to that? Possibly?
- A. No it was at my house on Monica.
- Q. Alright what were you wearing that night?
- A. I was wearin black trousers, a black sweater and the shoes that I'm presently wearing now which are some hush-puppy style, kidd skin on the top, ruffle bottom.
- Q. Okay do you recall what Michael White was wearing?
- A. He was wearing ah black trousers and if not mistaken a black shirt.
- Q. Did you have anything for your hands?

A. Yes I did.

Q. Could you tell us about that?

A. I had on socks ah to cover my hands and he had on black leather gloves.

Q. During the entire time that you were in the location of the house did you wear those socks on your hands?

A. Yes I did.

Q. Did you ever take them off?

A. No I didn't.

Q. In fact even when you shot that gun did you have the socks on your hands?

A. Yes I did.

Q. You were still able to shoot it?

A. Yes I was.

Q. Okay, after you parked the car south of the address, Perry address, what happened then?

A. Then we proceeded out of the car up to the house through the side where she had left ah the garage door open, this was talked about earlier too, and we proceeded through the garage door upon which we found the other door that leads directly into the house was locked. Okay then neither one of us, we didn't bring any type of burglar tools or whatever because it was

initially planned to get him on the outside of the house so we know we wouldn't need any type of burglar tool. Okay so we found it that way and we had planned on breaking in we had to look around for something to use to pry into the house with, so which made using, you know, using the light periodically you know to look around upon which Michael found a screwdriver-kay - then I was initially doin most of the watchin out while he was doin the pryin on the door. Okay after pried on the door some and then he came back to the car, you know peekin in into his car and he started gettin in with the with the door with the screwdriver upon which the window shattered and the window whattered, he opened up the door and got in and proceeded to take out the, the stereo tape head and C.B.

Q. How long do you think you were in that garage totally?

A. Mmm mm maybe about ah about a half hour.

Q. Now Mrs. ah Perry does have a dog was there any preplanning done about ah that that dog?

A. Not that I can recall, no.

Q. You didn't hear any dog barking during all this did you?

A. No I didn't.

Q. Okay eventually you did open and pry that door, is that correct?

-66-

A. That's right.

-23-

Q. Any other tools used besides that screwdriver you mentioned?

A. No there wasn't.

Q. Okay now did he remove or you remove that article from that car that the window was broken?

A. Yes.

Q. What, what is the article?

A. It was ah, a C. B. and ah ah Cassette Tape Recording.

Q. Do you know the brand names?

A. Um mm no not right off hand, no.

Q. Okay, now where is that put ah when you went into the house?

A. It was put beside the garage door.

Q. Outside?

A. Inside.

Q. Okay once you entered the house can you tell us what happened then?

A. Okay after we entered the house we took ah a brief look around the ground floor to make sure no one was around, lyin on the couch or anything and no one was, then we proceeded up the stairs.

-67-

Q. Okay when you went into the house who was first?

A. I was.

Q. Where was the gun at this time?

A. It was in my hand.

Q. Okay are you right handed?

A. Left.

Q. Was it in your left or right hand?

A. Left.

Q. Left hand. You proceeded up the stairs to the upper level of the home?

A. That's right.

-24-

Q. What happened then?

A. After we got the stairs, um Michael started searching one end of the upstairs and I started on the other to try and locate Mr. Perry in the house.

Q. Okay and ah had you checked any bedrooms yourself?

A. Yes I had.

Q. Was there anybody in the bedrooms you checked?

A. ah nnn no, there wasn't any in the first room I checked but when I went to check the second one that's when



Michael ran across Mr. Perry into the second room that he had checked. Okay, and Mrs. Perry was in the room that I was about to go in when Mr. Perry you know ah got up out of the bed, Michael jumped back out of the door.

Q. Okay now when that happened you apparently were made aware of this by some noises.

A. That's right.

Q. Tell us about those noises.

A. Okay ah um Michael jumped back and sort of pulled the door back to and ran back towards the steps, down the steps. Okay which I done the same thing, I pulled the door to, the door that I was initially going into when I, you know, when I heard the noise then I backed down the steps too. Okay at that time Mr. Perry stuck his head out of the door and looked down the steps and hollered, get out of hear, in a real loud forceful voice.

Q. Now for you to walk down the steps you would have had to walk almost in front of Mr. Perry's bedroom door is that right?

A. Yes that's right.

Q. Now when you did walk in front of that door was the door closed?

A. Ah no it was sort of ajar.

Q. Was the light on inside his bedroom?

A. Ah no it wasn't.

Q. But you knew he was awake and you knew that he was in that bedroom?

A. Yes I did.

Q. So as you were goin down the stairs ah you say he poked his head out behind the door?

A. That's right.

Q. And yelled at cha?

A. That's right.

Q. He yelled again what?

A. Ah get outa here.

Q. Okay what happened then?

A. And then I got off a shot at him then.

Q. Okay do you think that shot ah hit him?

A. I couldn't be sure.

Q. Then what happened?

A. And then I proceeded back up the steps, into the bedroom, which he was in. I fired 3 or 4 times, he fell hit the floor, I turned around came back out that (cough) came back out of that room, I grabbed, I grabbed the black leather, you know, case that was on the on the stand there and I throwed

that to Michael and I ran down to the room that I was, had previously, was going into, when, when I discovered the noise from Michael at the other end. Upon goin in that room Miss Perry was in there.

Q. Okay just to back up a little bit now, when you went into the room that Mr. Perry was in was the light on in that room?

A. Okay I can't remember whether I turned the light on or he did or not, I can't I can't actually remember.

Q. The light ended up being on is that right?

A. Yes that's right.

Q. Because you were able to see that black plastic pouch?

A. Right.

Q. Ah prior to goin out there when you had that gun, did you check that gun to make sure it was loaded?

A. Yes I did.

Q. It apparently was loaded?

A. Yes it was.

Q. Do you recall if there was one in the chamber?

A. Ah yes it was.

Q. Okay so you didn't have to slide or cock that gun prior to this?

A. No.

Q. How many rounds did that gun hold?

A. About 6 I think.

Q. Okay it holds 6 rounds, to your knowledge? But when you were firing the gun did you ah hurriedly fire all the rounds do you know?

A. No.

Q. Now when you went into the room after you'd fired that first shot at him did he appear to be injured or hurt at that time?

A. Um I, I couldn't be sure.

Q. The second shot ah where was he standing when you fired that one?

A. He was backing up towards the window, had his back up towards the window.

Q. Was he in front of his bed or along side his bed?

A. No along side.

Q. Okay did you fire any of the weapons when he was lying on the floor?

A. Ah yes.

Q. How many rounds did you fire into him when he was lying on the floor, do you remember?

-72-

A. Ah no, I can't remember.

-27-

Q. Was he breathing when you left that room?

A. I couldn't be sure, I didn't go up and inspect the body after I shot.

Q. Okay after you shot him how long do you think you stayed in that room with him?

A. Ah approximately ah half a minute maybe if that long.

Q. Okay, and this was when the light was on?

A. That's right.

Q. Was he makin any noises or anything like this, any movement?

A. (inaudible)

Q. Okay and from that you left his room and went where?

A. Proceeded down to Mrs. Perry's room.

Q. What happened there?

A. After I went in she turned over in bed and she said ah

Q. Inaudible

A. Is it done.

Q. She said is it done?

-73-

A. That's right.

Q. What did you say?

A. I said yes it is.

Q. What other conversation took place?

A. Okay it was some conversation about some money then, I asked her about, and she got up and proceeded to the closet. Went into the closet, into a purse, grabbed some money out, shoved it in my hand, and I turned around and me and Michael proceeded back out of the house by the same way we came in.

Q. What was her attitude at that time, can you tell us?

A. Um, very nice.

Q. Okay, anything else said to her or by her to you?

-28-

A. No.

Q. She did recognize you is that correct?

A. Yes she did.

Q. She knew why you were there?

A. Yes she did.

Q. Where is Michael now?

A. He was on the steps.



Q. Did he say anything to you during this time?

A. Um, no not initially no.

Q. When you left Mr. Perry's room was he alive or dead?

A. I couldn't be sure, I didn't inspect the body.

Q. When you left that house, ah you, do you feel in your own mind that he, he was dead?

A. Yes I felt reasonably sure.

Q. How much money did she end up giving you at that time? Did you count it later?

A. Yes I did.

Q. How much was it?

A. About seven bucks.

Q. Okay. Now after you had received the money from Mrs. Perry what, what did you do?

A. Um we left the house back out through the garage, picking up the C. B. and the tape on the way out, proceeded to the car, got in the car, started up, drove off reasonably, came down Curtis and ah came back to 6 Mile then came back to Detroit down 6 Mile.

Q. Okay when you picked up the C. B. was it in ah any kind of container or did you just pick it up?

A. Ah brown paper bag if I'm not mistaken one that we'd found in the garage.

Q. Okay and with the C. B. was also what?

A. Ah the tape recorder.

Q. So the other items that you took from the house were could you tell us?

A. Ah it was the black leather ah bag.

Q. Anything else?

A. No.

Q. A watch, ring, jewelry, anything like that?

A. Oh ya, okay, ya a watch.

Q. There was a watch that you had also taken.

Q. What was in the black plastic bag?

A. Um, major credit cards, ah, identification, a check book and there was ah (9) 100 dollar bills.

Q. What did you do with the money?

A. I split it with Michael.

Q. Exactly in half?

A. That's right.

Q. You got \$450 and so did he?

A. That's right.

Q. When you went back to Detroit you used what route?

A. Ah 6 Mile.

Q. Got back to Detroit about what time?

A. Ah, um it was a little bit before day-break.

Q. What time would you estimate that you actually shot Mr. Perry?

A. Um I would say it was between 3 and 4:00.

Q. Okay and you were in that house totally how long?

A. Maybe about 45 minutes, an hour at the longest, that's you know the time in the garage you know getting through the door and all of that and upstairs part too.

Q. Okay now can you tell us prior to you being arrested how many people knew that you were

involved in this murder?

A. No one but just the many people that knew before that.

Q. And could you name these people?

A. Yes I can, okay its Charles Knight, ah Miss Millie Perry, ah well I, I couldn't say Sylvia you know because she didn't, she didn't know, you know, who um or what you know plus she was out of town then, she didn't know.

Q. And of course Michael White.

A. Ya, right.

Q. Okay so just the four of youse.

Sgt. Hoff. Alright Robert is there anything else that you'd like to add to this statement? While we're talking here?

A. No that's the whole (inaudible).

Q. Your involvement really consisted of perhaps only this July 11 and the 12th is that correct?

A. That's right.

Q. Did Millie ever indicate to you at that time of the murder as to what she was gonna do as far as calling and reporting this to the police?

A. No she didn't.

Q. You left that up to her?

A. inaudible

Q. And you assume that she would report that there was a breaking and entering and some intruders came in and shot her husband?

A. That's right.

-78-

Q. Did you have some conversation with Mrs. Perry after this murder?

A. No I didn't.

Q. You had never contacted her?

A. No I didn't.

-31-

Q. Okay now you've been in the custody of the Livonia Police Department for approximately 2 days, would you say that's about right?

A. inaudible

Q. Now during that 2 days have you been mistreated by anyone?

A. No I haven't.

Q. Has anybody guaranteed or promised you anything specifically for you cooperating in making this statement?

A. No nothing has been actually guaranteed but it has been said that um that, that something may be, may be able to be worked out afterwards with my truthful testimony about my part in this killing.

Q. Okay is there anything else now that ah you wanta add to this statement ah?

A. No.

Q. Okay, Sgt. Garrison is there any other questions that you might have at this time?

-79-

Sgt. Garrison: None at all Sgt. Hoff.

Q. Sgt. Ericson do you have any questions that you might have?

Sgt. Ericson: No.

Sgt. Hoff. Alright, Pat that will conclude this statement, the time now is 11:12 a.m., August 2, 1979. Thank you.

Sgt. Hoff: Before we conclude this interview I want again to have Robert Jackson look at these photographs and tell us what they are, turn them over and read the number and then I want him to initial them. You can start with this one.

Robert Jackson: This is Charles Knight, #4A, Michael White #5A, their home on Country Club #2A, (just here,

Sgt. Hoff: Ya somewhere on the bottom anywhere.

Robert Jackson: Mr. and Mrs. Perry, #1A,

Sgt. Hoff: Okay that concludes the interview and the identification of the photographs, the time now is 11:13 a.m.



RESPONDENT'S ENTRIES

SGT. R. ERICSON (19 NOVEMBER 1979):

-168-

Q. Why did -- it is true, isn't it, that you were able to get Mildred Perry's first warrant in approximately two hours and ten minutes, weren't you; didn't you fill out an initial warrant request on Mildred Perry before you did anything else?

A. Yes, sir.

Q. And you were able to get that in approximately two hours and ten minutes?

A. You mean get the warrant authorized by the prosecutor?

Q. Get it filled out and then take it to Mr. Sage's office and have it authorized to bring it back before Judge McCann?

A. No, sir.

Q. Well, how long did that one take?

A. I would say a total of about five, six hours work.

Q. And that was done on which day?

A. I started that on Sunday, sir, Sunday night after Mildred's arrest, on Saturday night, excuse me.

Q. That would be July 28th?

A. Right.

Q. But there was no additional work as far as Mildred Perry was concerned that you had to do on the morning of August 1st, was there; you had already typed out all that

-169-

information, hadn't you?

A. Yes.

Q. In fact, the warrant requests are almost identical except for the last part about Mr. Jackson and Mr. White, isn't that correct?

A. They are similar in the beginnings.

Q. Well, it is true, isn't it, that one of the reasons why -- you knew that some of the other officers were talking to Mr. White, didn't you?

A. There was nobody else talking to Mr. White at that point.

Q. You know of no other conversations between any of the officers other than what you have just testified to, correct?

A. That is correct.

Q. When you picked up Michael and Robert Jackson and you had told them something or another, don't say anything until we get back to the station or no talking or something to that effect

-82-

after you had given them their rights, is that correct?

A. I said I suggested that you not make any comments until we get back to the office.

Q. And, other than what you have testified to earlier, you didn't hear anything else that they said?

A. Nothing that I made note of.

Q. So if they ask you about getting a lawyer, you may not have heard it?

-170-

A. If they would have asked me a specific question, then I would have remembered it, sir.

Q. Sergeant Ericson, I want you to compare your warrant request made up for Mildred Perry the first time and your warrant request made up the second time and tell me where it is significantly different in terms of the information it was necessary to gather; you do have both copies, don't you?

A. Yeah, they should both be there.

Q. Why don't you take a moment and tell me where they are?

A. (Witness complied)

THE COURT: Let's proceed, shall we? You are taking an awfully long time. Come back, Sergeant Ericson, and

-83-

let's proceed with whatever questions you have.

BY MR. DURANT:

Q. What happened in terms of -- before I ask you specific questions about these two, what happened -- you took the first one out to Mr. Sage's office and received a warrant, correct?

A. Yes.

Q. So between the first one and the second one -- by the way, did you also receive a warrant for Chare Knight for the first one, the John Doe?

A. No, sir.

Q. He would only write it for Mildred Perry?

A. That is correct.

-171-

Q. So on the second one the only additional information that you had to add was the fact of receiving Mr. Knight's admission, correct?

A. That was one of the things, his arrest.

Q. Number two was the fact that Bobby Jackson had given you a statement implicating Chare, correct?

A. Yes, sir.

Q. Number three, the fact that at the polygraph -- at a polygraph examination or after a polygraph examination that Mr. Jackson had then said or implicated Michael White?

A. Yes, sir.

Q. Now except for the polygraph information, you had all that information on July 31st, did you not?

A. No.

Q. Of those things that I just listed, what didn't you have by the end of the day on July 31st?

A. At the end of the day on July 31st, we did not know for sure who to believe, whether to believe Charlie Knight's version of what happened or Bobby Jackson's version.

Q. Knight's, which implicated Michael White, correct, in the stories that you had been told, correct?

A. No, sir.

Q. You mean in the stories that you have been told someone had implicated specifically Michael White? Did you understand the question?

A. Yes, sir.

Q. And what is the answer?

A. Yes, sir.

Q. Somebody specifically implicated Michael White in the stories that were given to you?

A. Yes, sir.

Q. Who?

A. Charlie Knight.

Q. When? Are you talking about the booking incident?

A. Right.

Q. Would you have gone to get a warrant just on that without even checking?

A. I would present it.

Q. Did you present it?

A. Not on the basis of that alone, no.

Q. You never presented that, did you, for the warrant request?

A. I will be honest with you. I don't remember if it is in the warrant request or not.

THE COURT: What is your question? Let's proceed.

MR. DURANT: I have given him the warrant request. He said he didn't remember whether or not he included the incident in the booking area in which Chare Knight supposedly said that -- mentioned Michael White's name as being at the scene or words to that effect.



-86-

-173-

MR. SELLER: Your Honor, the warrant request is People's Exhibit Number Two. I am sure that we can agree at some later time --

THE COURT: (Interposing) Let's move on. The warrant request is in evidence as Exhibit Two.

BY MR. DURANT:

Q. But, Sergeant Ericson, you didn't consider that a significant enough detail to put in that, did you?

A. Not at the point that I submitted it, no.

Q. After you had taken the statement from Mr. Jackson or engaged in conversation with him in which he indicated in his statement that he and Chare Knight had been there, you had enough information then to get a warrant, did you not, present it for a warrant?

A. Against who?

Q. Against Mr. Jackson.

A. Yeah.

MR. DURANT: Your Honor, I don't think I have any more questions. Let me just check my notes.

THE COURT: Are you finished, Mr. Durant?

MR. DURANT: One other question.

-87-

BY MR. DURANT:

Q. Sergeant Ericson, after that meeting at three-thirty with Mr. Jackson, you had enough at that time, as you say, to present information to Mr. Sage for the warrant write-up,

correct?

A. Against who, sir?

Q. Against Mr. Jackson.

A. Yes, sir.

MR. DURANT: No other questions, Your Honor.

ROBERT JACKSON (26 NOVEMBER 1979):

-442-

Q. Did they tell you about your right to have an attorney appointed for you if you didn't have any money and your right to have an attorney present at the time of questioning?

A. This is in route to the Livonia police station?

Q. Yes.

A. No, there wasn't.

Q. Did they tell you that anything you say can and will be used against you in a court of law?

A. No, they didn't.

Q. Sir, when you got to the Livonia police station and you got in the conference room, who was inside there at that point?

A. Sergeant Ericson and Sergeant Garrison.

Q. And was Mr. White in there?

A. No, he wasn't.

Q. You had been separated?

A. Yes, we had.

Q. Were you asked any questions while you were in that room?

A. Yes, I was.

Q. Did you answer the questions right away?

A. Um no, no, I didn't.

Q. Okay. What questions were you asked, what were some of the questions you were asked?

A. Such as did I know why I was there; I had been implicated in a murder that had happened out in Livonia, and I was

supposed to have been the one that did the shooting. You know, questions revolving around there.

Q. Who was telling you this?

A. Both Sergeant Ericson and Sergeant Garrison.

Q. Both of them were talking at one point, is that right?

A. That is right.

Q. Or from time to time. Now, sir, were you given your Rights then or read your Rights?

A. Not then, no.

Q. Okay. Did there come a time when you were read your Rights?

A. Yes, I were.

Q. About how much later?

A. That was upon the first initial tape recording that I gave.

Q. The first tape recording you gave?

A. Yes, I was.

Q. The one that was not audible?

A. That is right.

Q. Okay. What did Sergeant Garrison and Sergeant Ericson tell you about what would happen to you, if anything?

A. They told me that -- such as why did I think that they searched so hard to find me, and that upon finding me, that they had enough evidence then to take me to court on Murder One, which would get me life, and that they would

-90-

offer me something if I was to take it, sort of saying, you know, in effect that they wanted Mrs. Perry, okay.

-444-

Q. Did they tell you that they wanted Mrs. Perry?

A. Yes, they did.

Q. And they wanted Mrs. Perry for what?

A. Because they felt that she was the perpetrator of having her husband killed or something.

Q. You were saying something about what could happen to you?

A. Yes. They said that they could take me to court right then on Murder One. It wasn't a matter of whether I was guilty or not, it was a matter of where the evidence was pointed to.

Q. Okay. Had they told you anything about someone else's statement?

A. Yes, they did.

Q. Whose?

A. Mr. Knight.

Q. Anyone else's statement?

A. No.

-91-

Q. Okay. Now did you tell them at that time -- did you give any statement at that time?

A. Not after -- at the initial -- when I first got to the precinct, when we first talked, no, I didn't give a statement then. This is when the subject came up about -- when I asked them for an attorney, that was the first thing I said.

Q. You asked for a court appointed attorney?

A. Yes, I did.

Q. What did you say?

-445-

A. I said I wanted an attorney.

Q. Did anybody say anything?

A. Yes.

Q. Who?

A. Sergeant Ericson and Sergeant Garrison said an attorney could do no good at this particular time, and if I further pursued in obtaining an attorney, that I would be charged with Murder One anyway, and they would offer me the best deal possible at that particular time.

Q. Did they say what that deal was?

A. Yes, they did.



Q. What was that?

A. Second degree Murder for collaborating with the way Mr. Knight was telling it.

Q. They said they would offer you Second Degree Murder if you went along with what Mr. Knight was saying in his story?

A. That is right, with the consideration of something lesser.

Q. With the consideration of something lesser?

A. That is right.

Q. Who told you this?

A. Sergeant Ericson and Sergeant Garrison.

Q. Did they both tell you this?

A. Yes, they did.

Q. At the same time, different times?

A. No, at different intervals. They kept questioning me and

badgering me and questioning me and --

Q. (Interposing) You say "badgering" you; what do you mean?

A. Well with words so-to-speak.

Q. Well, did they at any time strike you?

A. No.

Q. Was anyone struck as far as you were able to determine in your presence?

A. No, not in my presence, no.

Q. Did you hear anything that caused you to feel any particular way about being struck?

A. Not at that moment. I did later on, upstairs in the holding pen.

Q. Was this before or after you gave any statement?

A. Before.

Q. What did you hear up there?

A. I heard something in the backroom, someone kept hollering and screaming back there, hollering and screaming, you know, for one of the guards to come back there, and when he did come back, a couple more of them came back with him and they went to working him over.

Q. Did you see this?

A. No, I didn't see it.

Q. What do you mean "working him over?"

A. Well, physical harm, beating up on him.

-94-

Q. Is that what you thought they were doing?

-447-

A. Yes, I did.

Q. And that is what you felt based upon what you heard?

A. That was the impression I got.

Q. Did that make any impression on you; did that cause you to feel any particular way?

A. Yes, I did.

Q. Why?

A. It caused me to fear for my own life.

Q. Okay. Now you have indicated that they did ask you questions when you got into the conference room?

A. That is right.

Q. And at some time later you were taken and put into a holding cell; is that what you call it?

A. That is right, the bull pen.

Q. That is where you heard this commotion down the hall, is that right?

A. That is right.

Q. Had you given a statement up to that time?

-95-

A. No, I hadn't.

Q. Had you told them whether or not you would give a statement or -- what had you said in response to their questions?

A. I was still asking for an attorney, and I never received one.

Q. Okay. Did anyone ask you at any time about any background information on what you did, where you went to school, where you lived; any of them ask for that information?

-448-

A. Yes, they did.

Q. Who?

A. The two sergeants in question.

Q. Not in question; which two, Sergeants Garrison and Ericson?

A. That is right.

Q. Did you give that information?

A. Yes, I did.

Q. Did you at any time say whether or not you were employed?

A. No, not that I can recall.

Q. Okay. Did you give that information -- had you given that information about whether or not you were employed to the Detroit Police Department?

A. Yes, I believe so.

Q. Okay. Incidentally, while you were at the Detroit Police Department, were you questioned there?

A. Yes, I was.

Q. How many times?

A. Maybe about three or four times.

Q. Three or four times?

A. Yes.

Q. All right. When did you first get to the Detroit Police Department, if you know? When were you arrested?

A. It was July 30th I believe.

Q. Okay. Now after you got to the conference room at Livonia, and you have already stated you later went to a holding cell,

did you leave that holding cell? Were you asked to come back out again?

A. Yes, I was.

Q. Who did this?

A. I forget which exact officer but it was between the two.

Q. Between the two; that is Sergeants Ericson and Garrison?

A. Yes.

Q. Had you seen Sergeant Hoff yet?

A. No, I hadn't.

Q. And where did you go after you left the holding cell?

A. I went back down to the conference room again, this time upon which I did make a tape recording.

THE COURT: Is that the first tape recording that didn't come out?

THE WITNESS: Yes, it is.

BY MR. WILLIS:

Q. Did something cause you to make that tape recording?

A. Yes, it was.

Q. What was it?

A. It was the promises that were made towards me, and it was out of those particular threats and promises that I did make those statements.

Q. What promises and what threats?

A. For the leniency of the Second Degree with something lesser and that it was only foolish of me to keep from making an

incriminating statement that they



wanted against Mrs. Perry because I would do life anyway so I was really doing myself a favor by going along with it.

Q. Did they say anything to you about any probation officer?

A. Yes, there was.

Q. What did they say about that?

A. They said a probation officer would come and look into the case and that I could expect something then too.

Q. Okay. Anything else about a probation officer?

A. No, not at that point.

Q. Now at the time you gave the first tape, were you doing this totally based upon what you had to say?

A. No.

Q. What was it in part based upon?

A. Upon what they were telling me what had happened and how they wanted the tape to go about.

Q. Well, was there any such indication while you were being recorded, while the tape recorder was going on?

A. I don't --

Q. (Interposing) Were they saying anything or doing anything while you were actually answering questions?

A. At certain different times, when certain questions would come up where a yes or no was relevant, a wave of the hand or something.

Q. Like what? Can you think of something?

A. Such as shake your head no or nod yes.

Q. Sir, do you recall being asked questions and having those questions and answers taped at or about five fifty-two p.m. on July 31st, 1979?

A. Yes, sir, I do.

Q. Let me show you page one of that, in this area right here. Do you want to take a look at that?

THE COURT. What area are you pointing to?

MR. WILLIS: Near the bottom line.

BY MR. WILLIS:

Q. Have you had a chance to look at that?

A. Yes. I am looking at it now.

Q. Up to that or as of the end of that answer, okay, from the beginning of the tape to the end of that answer had there been any indications by anyone as to what you should say?

A. This was at the end of the first tape?

-100-

Q. No. This is from the beginning of the first tape up through all that is covered by this first page, okay?

A. Okay.

Q. Had there been any indication as to what you should say from anyone who was there in the room while you were giving that taped statement?

A. Yes, sure.

Q. How was this done?

-452-

A. It was said in different intervals, such as Mr. Knight says it was this way, you were the one that went into the house that done the killing --

Q. (Interposing) Let me interrupt you. I mean while the tape was going on -- you have already indicated something with your hands, is that right?

A. That is right.

Q. Was anything like that done up to this point as to how you should answer?

A. Yes.

Q. What would they indicate with their hands?

A. Such as -- I am trying to think of a particular part of the statement.

Q. Do you want to look at the statement?

-101-

A. Yes, let me take a look at that.

Q. What would they indicate?

A. They would indicate that those were just -- those questions were just preliminaries really.

Q. No, I understand that, but were any motions or signs made while you were being -- while you were giving that taped interview?

A. That particular one there, no, not on the first page.

Q. Not on the first page?

A. No.

Q. Let me ask you this then. With respect to the Rights, were

-453-

you told what your Rights were during these interviews?

A. Yes, I was told.

Q. Okay. Was there any mention during those statements that you had the right to an attorney?

A. Yes, it was mentioned.

Q. Okay. Now you have already testified that you asked for an attorney prior to that, is that right, on several occasions?

A. That is right.

Q. Now did you say anything then at the time they asked for or they told you you had the right to an attorney during the tape? While you were being taped, did you say anything about yes, I want an attorney?

A. No, because it had already been explained away so-to-speak that I was, you know, that I would do life anyway if I didn't go along with the collaborating story with Mr. Knight about what had happened, and that if I refused to make the statement, they had enough evidence pointing towards me that would say that I was the one that did the killing, and that it didn't make any difference whether it was a lie or whether it was the truth, but this is the way that the evidence was pointing.

SGT. S. GARRISON (20 NOVEMBER 1979):

Q. You see what I'm doing now?

A. I know what you are trying to say, but no.

Q. You see what I'm doing, using my hand to wave; do you see what I mean?

A. That is correct, sir, I see you waving your hand in front of me.

Q. You didn't do that?

A. No, sir.

Q. Did you see anyone else doing that?

A. No, sir.

Q. Sir, then let me ask you this. Had there been any statement by Mr. Jackson as far as you know or was there any to the effect that he wanted a lawyer?

A. No, sir.

Q. You never heard him say any such thing?

A. No, sir.

Q. Did he ever say that he wanted a break, anything to keep him out of jail?

A. No, sir.

Q. He never said that in your presence?

A. No, sir.

Q. Did he say at any time that he wanted to be given some kind of a break, whatever it might be, keeping him out of jail or giving him some reduced sentence?

A. A discussion was -- did come up with reference that he did

not want to go to jail, that is true.

Q. Oh? When did that discussion come up?

A. During one of the interviews.



Q. During one of the interviews?

A. Yes.

Q. A discussion? Was anyone writing that down?

A. Sergeant Ericson was taking notes. He may have wrote it down.

Q. I see. And who was present at that time?

A. It would be Sergeant Hoff, myself, Sergeant Ericson.

Q. And that was at a time when Sergeant Ericson was taking notes?

A. That is correct, sir.

Q. Were you taking notes?

A. No, I wasn't.

Q. Was Sergeant Hoff taking notes?

A. No he wasn't, I believe. He may have been taking notes. I can't remember.

Q. What day was that?

A. We would be talking about -- on the first day of the arrest. We are talking about the 31st.

Q. The 31st of July, right? Okay. Was that -- about how much time after he was arrested did this take place when he was asking --

A. (Interposing) Probably maybe an hour -- after the arrests? I would say the arrests occurred approximately two o'clock,

we started talking to them maybe three-fifteen to three-thirty, we talked to them only a short length of time, I would say an hour after that, so I would say a quarter to up to maybe four-thirty, five o'clock.

Q. Now when he was asking about this, did anybody respond?

A. Either Sergeant Ericson or myself responded. Maybe we both did.

Q. And what was he told about that?

A. He was going to go to jail.

Q. That he was going to go to jail?

A. That is right.

Q. Did he say I want a break or something, is there any kind of way I can avoid jail?

A. No, there is not.

Q. My question is did he say that?

A. Yes, sir.

Q. He did. And what was the response to that?

-106-

A. He has to go to jail, Murder in the First Degree, it is not up to us. A warrant would be issued, will be issued or is going to be issued for Murder in the First Degree and perhaps Conspiracy to Murder.

Q. Okay. So you told him he had to go to jail, it was Murder in the First Degree?

A. That is what the charge would be. It is life mandatory.

Q. Did you tell him that?

-237-

A. He asked what type of a charge it would be.

Q. You told him it was mandatory life?

A. Yes, sir.

Q. Did you tell him there was any difference between First and Second Degree?

A. Yes. What else would be the next one down and we said Second Degree and there again, give him what the penalty was for the Second Degree was.

Q. Did he ask if he could be given a break so that he could be charged with or could plead guilty to Second Degree Murder?

A. We told him again that we were in no position, no.

-107-

Q. No, no. My question is did he ask that?

A. What was the question again?

Q. Did he ask if he could be given a break to the effect that he could plead guilty to Second Degree Murder?

A. I would say that he wanted to plead to anything if he could get a break too, and our response again, counselor --

Q. (Interposing) I can appreciate what he wanted to do.

A. Yes.

Q. But did he ask if he could plead guilty to anything then?

A. Yes.

Q. Less than First Degree?

A. Yes.

Q. And your response then was what?

-238-

A. We cannot do nothing about it. We are going to obtain a warrant for him the following day and the prosecutor most likely will issue a warrant for that particular case. Later on you may obtain an attorney and whatever the attorney and the prosecutor works out between each other, then it is not in our hands, we can do nothing more than the First Degree.

Q. Did you say to him that if you cooperate with us, we will do the best we can to see to it that you could plead guilty to Second Degree?

A. No. That was an -- it was given as such?

Q. Right, but it was indicated, is that right?

A. No, I wouldn't say that either.

Q. But you say it wasn't outright?

A. No, I don't want to say that. That is not what I am trying to say.

Q. Okay. Then in any event the -- my client, Mr. Jackson, did indicate some time later that he felt he was being offered -- going to be offered Second Degree, is that right?

A. No, sir. He may have felt it himself. I can't tell you if he did or not. I don't know.

Q. My question is -- I am not so concerned about his state of mind as I am about what he said.

A. No.

Q. He did say something that indicated he felt that way, right?

A. No.

Q. Well, when you had that tape on a certain date, namely I believe it was -- well, I will move on and let counsel find it.

During one of the tapes that he gave, he indicated, did he not, at the end of the tape on August 2nd, 1979, that he was -- wasn't actually guaranteed anything but that something -- but it has been said that something may be able to be worked out afterwards with his truthful testimony about his part in the killing; he did say that, right?

A. I will have to look at the transcript.

THE COURT: Here is what the language is. Do you want it?

MR. WILLIS: I just want to ask him if he recalls it?

THE COURT: Do you recall it?

THE WITNESS: I recall hearing in the courtroom something similar to that.

BY MR. WILLIS:

Q. Do you recall that during the tape?

A. Not word by word; no, sir.

Q. Well, do you recall something to that effect?

A. Read the question to me again, would you please?



-110-

Q. Well, do you recall him saying words to the effect that he -- well, that there had been no specific guarantee as to what he

-240-

was going to get but that there was mention that he may be given a break?

A. I don't remember seeing that.

Q. Nor hearing that?

A. Hearing that, no, sir.

Q. Well, then I would show you -- well, I will show you my copy. You may read any part. This is a purported copy.

THE COURT: It is page thirty-one of Exhibit Seven.

BY MR. WILLIS:

Q. You can read any part you want. I direct your attention to the words outlined in red.

A. I see it, sir.

Q. Do you recall him saying that?

A. Yes, sir.

Q. You do?

A. Yes.

Q. Now after hearing that, you were asked if you had any other questions at that time, is that right?

-111-

A. That was asked.

Q. And you said none at all. You threw the ball in effect to Sergeant Hoff, right?

A. I don't think I said Sergeant Hoff. I think they just asked me and I think my reply was probably not at all.

Q. All right. I am just reading something out of there. But

-241-

in any event, you didn't have any, right, you didn't have any questions anymore?

A. No, I had no questions.

Q. But did that strike you as being odd then since you had already had the conversations with him?

A. No, because I can imagine a person who is arrested -- what is going in his mind. That is just the way I took it.

Q. Well, but, sir, you had been the person who had been present through all three of the tapes, three of them that you knew of?

A. Yes, sir.

Q. Had you been present when any oral -- you had been present also when an oral statement was taken from him, is that right?

A. That is correct, sir.

Q. Or at least someone was writing something?

A. Yes, sir.

Q. At that time my client had indicated already to you, had he not, that he wanted some kind of a break, he wanted to stay out of jail?

A. That is correct, sir.

Q. And as you indicated, you had nothing to do about that as a police officer?

A. By keeping him out of jail?

Q. Right.

\* \* \*

A. With Mr. White and Mr. Jackson?

Q. No. Notes that you took during times that you were present either questioning or when those two individuals were questioned.

A. No, sir.

Q. Okay. As far as Mr. Jackson is concerned, you said it wasn't given as such, in terms of if you are cooperative, we will do the best we can -- was it words to that effect? I understand no guarantees were made but were they words to that effect?

A. No, nothing was ever said about the cooperation. Right from the start we are unable to do anything.

Q. Well, when you were asked that question, rather than saying no, you said not given as such. What did you mean by that?

A. Read the question over again.

Q. Well, you were asked, as I remember, on direct examination, did you say anything to Robert Jackson that if you cooperate, we will do the best we can for you, and rather than saying no to that, you said nothing was given as such or that was not given as such. Now that is not an outright no. You seemed to be suggesting a qualification. What did you mean by not given as such?

A. I thought I explained it after that with reference to the fact that he wanted to know what life imprisonment carried. We gave him the penalty.

\* \* \*

I asked him that we wanted to get the gun back, that it scares me knowing that there is a gun on the street that may be just laying around someplace where a child could pick it up and shoot some other children or person.

Q. Did he give some indication by words or whatever that he could help you in locating that gun?

A. He told me that he has no knowledge of any gun.

Q. After you had given the narrative of the story, isn't it true that you went to get Bobby Jackson?

A. Yes, sir.

Q. Now was it before or after that some question came up about a lawyer?

A. The question came up before that, sir.

Q. Mr. Jackson came in what, about three-quarters of the way through the interview or about half way through?

A. I would say about half way.

Q. And it was shortly before that that this area that we are going to go into about the lawyer came up, is that correct?

A. There was a question that came up about a lawyer.

Q. About shortly before you went to get Bobby Jackson?

A. Yes, sir.

Q. And isn't it true that you said in response to something that Mr. White said that, you know, if you want a lawyer, a lawyer will tell you not to talk to us or words to that effect?

A. That is correct, sir.

Q. What was said after that by you?

A. I informed him that all we are asking him to do is tell us the truth, that some time in your earlier childhood your teacher told you to tell the truth, your mother told you to tell the truth, you must have had some religious background, either a priest or a reverend, and he told you to tell the truth, and that is all we are asking you to do now is tell us the truth.

Q. And that was after the remark, you know, that it doesn't make -- excuse me just a second -- that you told him that in effect immediately after, saying to him that a lawyer, and the fact that you want a lawyer, a lawyer is only going to tell you not to talk to us and you tell us the truth, and then you went into the sequence you just gave us?

A. I also told him I'm asking you to talk to us. An attorney is going to tell you not to talk to us. Only you can make that decision.

Q. And he had brought up about well, what would an attorney say or words to that effect, I wasn't there, but words to that effect?

A. True; yes, sir.

Q. I'm just trying to get the sequence, and that is when you made the remarks you did about what a lawyer would tell him, and then being brought up to tell the truth, and that is



-116-

-281-

was we want, correct?

A. That is correct, sir.

Q. Wasn't something to that effect also said, I think it was to Robert the day before or not, I am not sure about the time, about telling the truth and that sort of thing?

A. I may have told Mr. Jackson the same thing about telling the truth.

Q. In response to, you know, the same kind of inquiry or whatever, that, I mean, the same kind of inquiry concerning a lawyer, and then the sequence of you were brought up to tell the truth by your mother, by your teacher, and that sort of thing?

A. There was nothing in the admission of Mr. Jackson about an attorney or question about an attorney.

Q. That was only with Mr. White?

A. That is correct, sir.

Q. You got those keys from Michael and then took them to his wife?

A. I can't remember that much about it, sir. It is just a small detail that I just can't remember.

Q. Do you know how old -- do you know how old Michael White is?

-117-

A. Approximately I would say twenty-three, maybe a little bit older.

Q. By the way, were you present when the gun was found, not

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-285-

most.

Q. Wasn't there some period during there, even for a couple of minutes, that they were left alone in terms of earshot?

A. Mr. Jackson asked us to leave, that he would like to talk to Mr. White. At that time Sergeant Hoff and myself did remove ourselves into Sergeant Hoff's inner office.

Q. Who took Mr. Jackson back?

A. I can't say, sir.

Q. But you got him, right?

A. Oh, Mr. Jackson?

Q. Yes.

A. Excuse me, I took Mr. Jackson back upstairs.

Q. Did you see Lieutenant Campbell come in the room at that time?

A. Lieutenant Campbell was downstairs. I saw him go in. That is all I can tell you, sir.

Q. Did he say something that he wanted to try and locate the gun or get Mr. White to have him tell where the gun was?

A. Yes, sir.

Q. He said that to you?

A. He said that, I believe, to myself and Sergeant Hoff both.

Q. Now I want to get into a little bit more sensitive area. I don't want to hold you to the exact words. In fact, I want you to tell me the words, if you can, any kind of remarks made to Mr. White, something to the effect that if

he cooperated or if he tells us the truth, we will at least while you are not in a position, we have heard all of that, to make guarantees, but you will at least talk to the prosecutors in charge of the case and let them know that you have cooperated?

A. No, sir.

Q. Are you saying there was absolutely nothing whatsoever like that conveyed in your presence or by you to Mr. White?

A. Let me get it straight in my mind. The question here is what did we say? Exactly as I have stated before; that we cannot do anything, it is up to the prosecutor, and later on, in front of

Mr. Jackson, not Mr. Jackson, but Mr. White, we may have stated that at a later date you will have an attorney and the attorney will talk to the prosecutor but we can't do nothing more for you.

Q. You never indicated specifically or otherwise that, you know, if you testify truthfully or whatever, that you might be able to plead to Second Degree or something less than First Degree?

A. We would have no power to do it.

Q. But to recommend it?

A. No, sir.

Q. At the time that you were talking to Michael White, which was only a few hours before you were to -- everyone was to be arraigned -- are you saying that the status of the case --

strike that. Isn't it true that the status of the case at that time was such that if you could locate the gun and get a statement from Mr. White to corroborate with Mr. Jackson's statement, that you would have wrapped up the case except for the formal court proceedings?

A. Was that stated?

Q. Yes.

A. Yes, sir.

Q. Okay. In what context was that stated?

A. Sergeant Hoff made that statement.

Q. What did he say?

A. Basically the same thing.

Q. As best as you can remember.

A. You get the gun, we have got the people arrested, we get the gun, that ties up the entire case.

Q. I am sure you explained that the prosecutor makes a decision, the judge makes a ruling, there is a court Hearing, but that the police officers are not helpless; did you not indicate at some point that wherever you could, that you would speak to the prosecutor or help if he told the truth, like his mother told him, like the police told him?

A. Okay. The only thing I can remember is that we would talk to the prosecutor and inform him as of this but we cannot do nothing for your case, it is First Degree, we can't do nothing about it. It is the prosecutor's case, it is not

our case.

Q. But didn't you also say that if Michael told the truth, as he had been asked to tell the truth, that the prosecutor would, you know, it is not unusual that the prosecutor would act

favorably on that, I mean, take that into account?

A. Counselor, I don't know what the prosecutor would do one way or the other.

Q. I know you don't know what Mr. Seller would do, but in terms of communicating to Mr. White, I mean any -- you have explained to Mr. White look, tell us the truth, you have got a certain background, you know, all I'm asking you to do is tell me the truth. Now there must have been something said to him that we will communicate that to the prosecutor, we can't make guarantees, but that we will help you where we can?

MR. SELLER: Objection. I think that has been asked and answered.

THE COURT: I think it has been asked and answered about three times. I will sustain the objection.

BY MR. DURANT:

Q. Did you told to Mr. White just prior to his taping?

A. Well, I was present. I don't know if I talked to him or not.

Q. You had no substantive conversation?

A. No, sir.



SGT. W. HOFF (21 NOVEMBER 1979):

-353-

Q. In other words, within an hour of the ending of the tape on August 2nd, 1979, the tape of my client, you had no such discussion with Sergeant Ericson or Sergeant Garrison about anything offered to my client?

A. That is correct.

Q. Or any statements about less than First Degree Murder, is that right?

A. That is correct.

Q. When my client was first arrested and you became aware of that as the officer in charge, did you say to any of the other officers that we should arraign this person as soon as possible?

A. No, I didn't say that.

Q. You had in your possession at that time, or were aware of, the statement of Mr. Knight that my client was the shooter, right?

A. That is correct.

Q. And you had sufficient information at that point to get a warrant, didn't you, as far as you were concerned?

THE COURT: What day are you talking about?

MR. WILLIS: July 31st, the day my client was arrested.

THE WITNESS: I don't know that we did

-354-

at that point. We may have, yes. I am not sure.

BY MR. WILLIS:

Q. Well, I can appreciate that, but as far as you were concerned you had enough information, didn't you?

A. We certainly had enough reason to arrest him for the charge; yes, sir.

Q. But you had enough information as far as you were concerned to seek a warrant, didn't you?

A. We could have sought a warrant that evening. However, I think the Prosecutor's Office was closed.

Q. I see. There is a person on duty, isn't there, to sign warrants in the evenings, isn't there?

A. No, sir, there is not.

Q. No such person?

A. No, sir.

Q. Okay. You were aware that the Prosecutor's Office opened up in the morning, though, right?

A. Yes, sir.

Q. And you did feel, by the morning, that you had enough information to get a warrant on Robert Jackson, didn't you?

A. Yes, sir.

THE COURT: When was the warrant obtained?

THE WITNESS: On August 2nd at approximately one o'clock, Your Honor.

MR. DURANT: August 1st.

THE WITNESS: Correction, August 1st.

BY MR. WILLIS:

Q. That is at least the testimony?

A. That is correct.

Q. Not one o'clock, though?

A. Well, it was Sergeant Ericson --

THE COURT: Let's just check the file out to tell. I guess it won't tell the time but the date.

MR. SELLER: I can tell you what the testimony was. Sergeant Ericson said we went out at one and was through at around three-thirty and returned by four or four-thirty. Arrived at the Prosecutor's at one, was there a few hours.

MR. WILLIS: All right.

MR. SELLER: And then came back by four or four-thirty.

BY MR. WILLIS:

Q. Anyway, it was August 1st, is that right, sir?

A. Yes, sir.

Q. Now Mr. Jackson, as far as you were concerned, if the warrant was issued in the morning of August 1st, 1979, could have been arraigned that morning, is that right?

A. Had the warrant been issued, yes, sir.

Q. Except, of course, though, you did need him to take him to

the polygraph operator, is that right?

A. Yes, sir.

Q. So then, recognizing the modus operandi, if you will, of the polygraph operator, your reason for taking Mr. Jackson to the polygraph operator was to see if he was telling the truth and to get a statement, is that right?

A. To see if he was telling the truth. We already had a statement from him.

Q. Right, but you recognized that the polygraph operator had a certain way or certain modus operandi, namely he got statements; is that what you said earlier?

A. No, I didn't say that earlier.

Q. You didn't say that earlier?

A. No.

Q. Let me get back to the original question. You answered a good part of it. I want to get the other part. Yes, you did have a statement obviously, right, and you did want to see if he was telling the truth, but you also wanted another statement from my client to be given to the polygraph operator, is that right?

A. No, that is not entirely correct. Our purpose was to determine whether or not he was truthful in his original statement.

Q. No, no, I understand what you are saying, not entirely correct, and I do understand that, sir, but see, my question isn't that that was all you wanted when I talk about the

statement to be obtained by the polygraph operator. In addition to the things you have stated, you wanted to find out whether or not he was telling the truth; you also, in addition to that, wanted another statement from him to be obtained by the polygraph operator, didn't you?

A. If the original statement was not correct, yes, to resolve the issue, whether or not Chare Knight was in fact with him.

Q. Now did you at any time tell my client that he did not have to submit to a polygraph test or for polygraph examination?

A. I don't know that I specifically told him myself; no, sir.

Q. Did you tell him that indirectly?

A. No, I did not tell him.

Q. Okay. Did you ever tell my client that -- strike that. Did my client ever ask if he could have a lawyer?

A. No, sir.

Q. Did my client ever mention the word lawyer to you at all?

A. No, sir.

Q. Attorney or any other designation for persons like myself?

A. No, sir.

Q. Did my client ever tell you that he wanted to have visitors?

A. No, sir, he did not.

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Q. Lieutenant Campbell spent -- was alone, as you say, approximately fifteen or twenty minutes with Michael White, correct?

A. Yes.



Q. Just as you were coming in, and you didn't return into the room, correct?

A. I believe I did, yes.

Q. And just as you were coming in, do you remember hearing Lieutenant Campbell saying, "Get me the piece and name the price, this is the man," pointing to you, "that can help you?"

A. Well, I remember him saying, "This is the man that can help you."

Q. Do you remember just prior to that, I mean no words in between, saying give me the piece and name the price?

A. Well, I don't recall that, him saying that, no.

Q. Do you then remember saying, "We are running out of time, we are going to Court?"

A. I think I did say that, yes.

Q. It is correct, is it not, Sergeant Hoff, that the things that you said to Michael White throughout this interview were all true, were they not?

A. Yes, sir.

Q. Just so you understand my question, I know that what you said was true, but the substance of your remarks, I am not going

just to the fact you said these particular things, but that what you said then, they were true?

A. Well, when I ran the case facts by Michael White, it was all true, yes. We pretty well had what we thought was the entire picture at that time.

Q. But even, for example, your discussions concerning oh, I don't know, Charlie, Chare Knight or Bobby Jackson or Mildred Perry or the lawyer coming in to talk about Mildred Perry or any of the arrangements or deals or conversations or whatever, anything that you said to Michael concerning those things did in fact occur?

A. No, not entirely.

Q. What didn't?

A. Well, there was no specific deal made with Chare Knight. We knew that he had given us a statement. We had hoped that he would continue and testify for the prosecution, and there would be a point that we would be talking to the prosecutor about that.

Q. Okay. What else wasn't true?

A. Well, I am not sure. Of course, there were a lot of things that we talked about this afternoon. As far as I know, everything else basically was true. Mrs. Perry had not said anything to us, as far as I knew, and just off the top of my head I don't know that

there was anything else that wasn't completely pretty much accurate.

Q. Sergeant Hoff, then, specifically then, just so that it is clear, were the statements made to Michael White about the arrangements or deals or whatever offered to Bobby Jackson up to that time, were those remarks true?

A. Well, I don't recall that there were any deals or statements made to him other than just prior to that on the way back from the State Police Post when Bobby Jackson asked me as to what might happen. I told him that if he testified, there might be a possibility, after we talked to the prosecutor, of something less than Murder in the First Degree. We also had conversation in that car about whether or not Michael White would make a statement to me.

Q. And he told you what?

A. He told me probably -- not unless I have a chance to talk to Michael White first.

Q. Well, then let me ask, I think this is the last question, famous last words, you indicated on this cross examination before the break that this or something similar was said, "But Charlie, he is cooperating, we are going to let him off, something easy, and even the guy who did the shooting, Bobby Jackson," now you said that that

or something similar was said. You remember that, correct?

A. Well, I just testified something was said to Bobby Jackson just prior to this interview, and I also testified that there was no deal or arrangement made with Chare Knight.

However, we were anticipating talking to the prosecutor at a later time regarding Chare Knight.

Q. Now in terms of the -- in your answers where you said that you couldn't recall, just so I understand you correctly, you can't recall whether those specific words were said but you do recall that something to that effect was said?

MR. SELLER: Objection.

THE COURT: I think this has been asked and answered.

MR. DURANT: I have no other questions.

THE COURT: You may examine.

REDIRECT EXAMINATION

BY MR. SELLER:

Q. Sergeant Hoff, how long did the discussions last between you and Michael White, Michael White and Lieutenant Campbell, Michael White and Jackson on

the 1st around one o'clock, how long did they last?

A. Well, we began around one-fifty, we terminated about three-thirty, so we are talking about an hour and forty minutes.

Q. Of the hour and forty minutes, how much time did you and Sergeant Garrison spend talking with Mr. White?

A. Probably about an hour and fifteen minutes, twenty minutes.

Q. Of that hour and fifteen minutes or twenty minutes, how much time was spent, would you say, roughly, in laying out the case before him and telling him where he stood?

A. Probably twenty, twenty-five minutes.

Q. Now you say you recall something like this being said during that time, "There is the Willetts case in which the shooter testified, Charlie is co-operating, maybe the guy who did the shooting, we have already worked out a deal with the prosecution," do you recall the context in which those things were said?

A. I recall we did mention the Willetts cases. Sergeant Garrison brought that up. We did indicate, in talking with the prosecutor, that for truthfulness something might be worked out.

Q. Was this with regard to Chare Knight and with regard to Mr. Jackson?

MR. DURANT: Your Honor, that is a leading question.

THE COURT: That is all right. I would like to move on. Go ahead.

A. Yes, it was.

BY MR. SELLER:

Q. Why were you telling Mr. White this?

A. Because we were implying that he too -- might be possible if he testified truthfully and cooperated, in talking with the prosecution, the prosecutor might be able to have something less than Murder in the First Degree.

Q. Well, was there any laying out of the case and the evidence

against Mr. White?

A. Yes. I told him that Bobby Jackson had told us the complete thing. We went through the entire case on a step by step basis. I told him that Bobby Jackson indicated that he had gone, Michael White had gone with him out to the Perry house, had participated, had received some of the money, half of the nine hundred dollars.

Q. I am going to interrupt you. Did you indicate at all whether they, Mr.



Knight and Mr. Jackson, would be testifying against him?

A. I indicated that we had hoped that they would continue to cooperate and testify; yes, sir.

Q. Now you say you recall the words something like, "So what kind of a deal can be worked out at this time?" Did you tell Mr. White whether or not you were working out a deal with him?

A. No, sir, I did not.

Q. Did you make any indication as to whether a deal could be worked out at that time?

A. I told him that we did not have the authority, we could not work it out, it would be up to the prosecutor.

Q. Did you tell him something like, or it seems to me you did say on cross examination, something like, "Millie instigated the entire affair," do you recall something like that?

A. Yes, sir, I do.

Q. Why were you telling Mr. White that?

A. Because there existed the possibility that the people involved could be prosecuted and the real instigator of the whole thing might end up getting off and we needed some cooperation and help to make sure that didn't happen.

Q. Okay. Thank you. Now did you at any time offer to get Mr. White's bond reduced?

A. No, sir. I may have indicated that and I recall saying that his bond would be very high, but I never at any time indicated I had any authority to set bond, that being the Judge's prerogative.

Q. Did you indicate at all in any way that you were going to go to bat for him to get it reduced?

A. No, sir.

Q. Is it possible that Mr. White at any time asked for a lawyer and that you heard him and didn't do anything about it?

MR. DURANT: Speculation, and I object.

THE COURT: No, he can answer that. You raised the question.

A. No, sir. I don't recall that he requested an attorney at all during that interview.

THE COURT: I think that was testified to on cross. He was asked that on cross and he said no.

TRIAL COURT'S OPINION:

-714-

MR. WILLIS: (Interposing) May I ask a question, Your Honor?

THE COURT: Yes.

MR. WILLIS: Will the Court be addressing the issue of delay in arraignment with respect to Mr. Jackson?

THE COURT: Oh, yes, delay in arraignment. I will address that. I can address it right now.

I think the basic case on delay in -- oh, you mean in delay --

MR. WILLIS: (Interposing) To extract the confession, and we are namely talking at this point -- well, we are talking at this point about anything certainly occurring on August 2nd and August 1st.

THE COURT: Well, with reference to the delay in arraignment on August 2nd confession --

MR. WILLIS: (Interposing) I shouldn't say August 2nd.

THE COURT: Obviously the August 2nd confession was not given until after the arraignment, so any

-715-

delay in arraignment does not affect

the August 2nd confession of Mr. Jackson.

With reference to the earlier statements, I do not see how there was such delay here as to invoke the doctrine that there was a deliberate holding of the defendant for the purpose of obtaining confessions because the first confession was at twelve-thirty, later confirmed at five-oh-two and at eight forty-eight merely for the purpose of clarifying the five-oh-two confession where there was a bad tape. I think the twelve-thirty confession was not the result of any illegal delay in arraignment, so I will reject that.

SGT. W. HOFF (10 JANUARY 1980):

-49-

Q. Now, sir, you did arrange or come up with a plan in conjunction with other officers that you would get the defendants in this case to give statements about their involvement by using coercion, didn't you?

A. No, sir.

Q. You did plan to confront each of them with whatever you can get out of the other to force them to give or -- strike that -- to encourage them to give a statement, is that right?

A. We didn't plan it, but we did in fact use the statements of other's in an attempt to get a statement, yes.

Q. Now, sir, were you involved -- you know what a warrant request is, of course, right?

A. Yes, sir, I do.

Q. And you heard the testimony about the warrant request from Sergeant Ericson and how it was prepared, is that right?

A. Yes, sir.

Q. Did you have anything to do with that?

A. No, sir.

Q. But you do know that that warrant request had already been prepared before the arraignment day, at least most of it had already been prepared, hadn't it?

A. No, sir, I do not know that.

Q. You didn't see it before that date on Mildred Perry?

A. Yes, I had seen that one.

Q. Yes, and that one is about the same as the one you used against Robert Jackson, isn't it?

A. There are several changes as I recall, but much of it is the same; yes, sir.

Q. When was the first time you saw the warrant request on Mildred Perry?

A. On the evening of July 29th.

Q. July 29th. I see. As an officer in charge, were you telling another officer in charge, like Sergeant Ericson, to hey, take six hours to prepare the same thing all over again?

A. No, sir.

Q. Well, you have already determined that you had enough against Robert Jackson to charge him on July 31st, didn't you?

A. Yes, sir.

Q. And he was being held, though, so that you could get more statements out of him, isn't that right?

A. No, sir.

Q. That is not part of the reason why you were holding him?

A. No. He was being held because he was under arrest for Murder.

Q. Well, yes, okay, fine. Well, he was being held then without being arraigned so you could get more statements out of him, isn't that right?

A. No, sir. We had planned on arraigning him on August 1st, which we did so.

Q. Which you did so?

A. Yes, sir.



Q. I see. You planned to do that at two p.m. or three o'clock p.m. on August the 31st?

A. There was actually no decision made on that date. We were still in the process of conducting interviews until late into that evening.

Q. Well, he had already given you a statement, two of them, at least, in your presence, right, on July -- by midnite the morning of -- by eleven on the night of July 31st, he had already given you two statements to your knowledge, right?

A. Yes, sir, he had.

Q. Taped, right?

A. Yes, sir.

Q. The Courts open up at nine o'clock in the morning, don't they?

A. Yes, sir, they do.

Q. He was arraigned at what time?

A. At approximately four o'clock p.m. on the 1st.

Q. Just before the Court's close, right?

A. Yes, sir.

Q. But you weren't holding him to get another statement or

statements out of him?

A. Not specifically, but we did obtain a statement from him, as I have testified, on August 1st.

Q. Well, before -- as a matter of fact, before Robert Jackson ever opened his mouth, you thought you had enough against him to charge him, didn't you?

A. I'm not sure without his statement that we would have had enough.

Q. I'm sorry. I didn't hear you.

A. I'm not sure if we would have had enough. We did have certain evidence against him, certainly enough to arrest him.

Q. Well, I can appreciate that, sir, but you might not be sure if you did, but see, I am concerned about your state of mind right now so I can move into the next question.

A. All right.

Q. You felt, did you not, before Robert Jackson opened his mouth, that you had enough evidence to charge him already?

A. Yes, I think we would have had enough.

Q. You told him that, didn't you?

A. I don't believe I told him that.

-142-

Q. Did anyone tell him that in your presence?

A. Well, it seems to me that that was some of the discussion with Sergeant Ericson during those initial interviews.

Q. During the initial interviews?

-53-

A. Yes, sir.

Q. Before he gave a statement?

A. Well, during the -- during him giving a statement.

Q. How about before he gave a statement, was there any such mention?

A. Well, I really wasn't present prior to him not saying anything. When I walked in that first contact with him, he was already answering questions that Sergeant Ericson was asking him.

Q. I am sorry. What was the last part about Sergeant Ericson?

A. Sergeant Ericson had been asking him.

Q. Why, sir, you testified, did you not, that at some point you did offer him something, right?

A. I explained to him what might happen.

Q. What might happen?

A. Yes, sir.

-143-

Q. When did you tell him this?

A. It was August 1st at approximately twelve-thirty or one o'clock.

Q. At approximately twelve-thirty or one o'clock. Where was this?

A. This was on the way back from the Michigan State Police post.

Q. What did you tell him?

A. I told him, in response to his question, that a lot of things

-54-

could happen. If he would testify truthfully, there might be some possibility, when he gets an attorney and talks with a prosecutor, that he might be charged with something less than Murder in the First Degree.

Q. I see. Up to that point had you told him that he could be given any break?

A. No, sir, I did not.

Q. Had anyone told him that in your presence?

A. No, sir.

Q. Did you tell anybody he would be given a break?

A. No, sir.

Q. Did anyone tell anybody in your presence that my client would be given a break?

A. No, sir.

TRANSCRIPT OF INTERROGATION OF MICHAEL WHITE (1 AUGUST 1979, 1:50 PM - 3:30 PM):

-1-

HOFF: You're Michael White, is that correct? O.K. Mike, I've identified myself, I'm Sergeant William Hoff and I did talk to you first last night. This is Sergeant Garrison. We're gonna be talking to you about this incident that occurred in Livonia on July 12th...a homicide, O.K., a murder. It's our case number 79022458. I know that doesn't mean much to you but it's the case. Before we started I want to advise you of your constitutional rights and I've done this before, but again I have to do it again. We're required by law each time we talk to you about a criminal matter that we advise you of your rights. Do you understand that?

WHITE: Right.

HOFF: Uh, I want to go thru and read 'em to you, and then I want you to acknowledge that you understand them, fine, if not I want you to tell me you don't. Then I will try to explain them. You have the right to remain silent and not make any statement or answer that may incriminate yourself in any manner whatsoever. Do you understand that?

WHITE: Yes.

HOFF: Secondly, that anything you say can and will be used against you in a court or courts of law for the offense or the offenses concerning which any statement is made. Do you understand that?

WHITE: Yes.

HOFF: Before you can hire or you can hire a lawyer of your choice to be present as I advised you before and during any questioning.

WHITE: O.K. I have a question about that.

HOFF: O.K.

WHITE: O.K. Now when the lawyer is not here things I say gonna be put down if its to be used against me, the exact words or would you put that down on paper or what?

HOFF: Well, if you, you know, we're gonna be asking you questions like we did last night. O.K. And, yeah, if you say things that we might want to use in court, we can do that, O.K. As long as you answer the question. Now, you don't have to answer that question. I've already told you, you know, but thus far you have answered certain questions, but again these are the same rights I gave you the other day, yesterday. Ah, but if you are unable to hire a lawyer, you know of course that you can request and receive an appointment of lawyer by proper authority without cost or charge to you to be present to advise you before and during any questioning. O.K. Do you understand that?



-146-

-2-

WHITE: Yes, I have a question. No cost. Cause the guys upstairs said that I would have to pay a fee for a court appointed attorney.

HOFF: If a person can afford to pay back, we have a monthly pay-back program of \$5 a month or whatever if your employed. If you not employed, you don't have to do that.

GARRISON: Or, let's say a man should go to prison, for some reason, well how can he pay back? He can't pay back. Well the county realizes that, they just take a loss. Let's say a guy all of a sudden tomorrow somebody dies in his family he has X amount of dollars so that's available to pay back the attorney then, they expect you to pay it back.

HOFF: You can refuse to answer any questions or stop giving any statement any time you want to O.K.? No law enforcement officer can prompt you as to what to say during these questions or write out any statement to be used unless you want him to do it. O.K.? I can't write out a statement and say sign this unless you tell me, "O.K., I'll give you permission to write out a statement." These are your rights. Mike, do you understand them? Do you have any questions about any of 'em?

WHITE: Nah.

HOFF: Now, your a fairly intelligent fellow... you've got some college doncha?

WHITE: A little bit.

-147-

HOFF: We've put you down for 13 years of school and so you do understand what we've explained to you. I've just read from this form, in fact, just to make sure, why don't you go ahead and read 'em and initial 'em.

WHITE: Read them out loud?

GARRISON: Oh, no, its up to you.

WHITE: I can't read...

GARRISON: O.K. just so long as you can understand them that these are the same rights that were read to you before.

WHITE: I have the right to remain silent and not make any statement or answer or incriminate...

HOFF: Now you don't have to read 'em out loud, just read 'em to yourself, make sure that you understand 'em and initial 'em, just put your initials...[silence]

GARRISON: Today the date is August 1st, 1979, and I'm looking at my watch right now and the time is 1:50 p.m..

WHITE: What?

GARRISON: 1:50, one-five-zero p.m. Sign your name. [silence]

GARRISON: They ask for your address next. [silence]

GARRISON: Now Sergeant Hoff is right here and his name is H-O-F-F.

WHITE: The first one?

-148-

-3-

GARRISON: Yeah.

HOFF: S-g-t period then H-O-F-F and that's Sergeant G-A-R-R-I-S-O-N.

GARRISON: And as we've told you before we are police officers with the Livonia Police. Do you understand?

WHITE: I-S-O-N?

GARRISON: Yeah, I-S-O-N. G-A-R-R-I-S-O-N. That's O.K. That's close enough.

WHITE: O.K.

GARRISON: Would you sign...

HOFF: I want you to again read the back of the form also. Do you understand that? Put your name where it says here [silence]

WHITE: This where I put my name?

HOFF: Right. [silence]

HOFF: O.K. now, I've fulfilled my requirement under law to advise you of your rights. O.K. Now the only other thing I have to do before I start talking to you is to make sure that you understand your rights. Do you understand them?

GARRISON: Is there anything you don't understand about them?

WHITE: I think I understand. (inaudible)

-149-

HOFF: Alright, so you do understand your rights. You have sufficient education to understand what you did sign here, this form, O.K.?

GARRISON: I'm satisfied, officer, that he's aware of his rights.

HOFF: Now, bein' aware of your rights do you want to answer or do you want to talk to us at this time?

WHITE: I mean, I don't know, yeah.

HOFF: You do want to talk or you will answer our questions?

WHITE: (inaudible)

HOFF: Alright. You know I talked to you yesterday, do you recall that, yesterday afternoon, we were in a different room, in fact you did again fill out another similar form, right here, O.K.? We talked about a homicide on Country Club, is that right?

WHITE: (inaudible)

HOFF: Now Michael, a lot has happened since that time. Ah, course you've been held overnight, I told you why you were being held yesterday. That right? I told you you were bein' held on an open charge of homicide, murder? An you're aware of that, right?

WHITE: (inaudible)

HOFF: You've been in custody now with our department for probably what, a little over a day -- day and a half. Within that

-150-

time has any of the Livonia Police Officers mistreated you in any way? Given you a bad time?

-4-

WHITE: No.

HOFF: Have you been fed properly?

WHITE: Yeah.

HOFF: O.K. Now we're takin' about an incident that happened back on July 12th, at about 3, 4 in the morning. This was on Country Club. It was the home of a man named Mr. Perry. We're talkin' about a homicide that occurred at that address on that morning. We're talkin' about people going in, going up the stairs, shootin' the man and killin' 'em, O.K.? [silence] Are you familiar with that incident?

WHITE: No, I'm not.

HOFF: You haven't read anything about it? Heard anything about it?

WHITE: Not to my knowledge.

HOFF: Now Michael. I know that you did not do the shooting. O.K. You were not the one who did the shooting. But we do know that you were there. You went... [tape over for 23 seconds]

GARRISON: The fact its all over with. Your involved in a conspiracy. You have a lesser part than some of these other people. I think it behooves you to lay it out exactly what hapened. Now let's get your side of the story this time.

-151-

HOFF: You want me to fill you in a little bit?

GARRISON: I think you're going to tell us now. I think you know that we know...

WHITE: Well, what is you askin'?

GARRISON: We're asking you about you takin' part in that murder.

WHITE: I don't know man.

HOFF: Let me tell you what happened. On July 11th your friend Bobby Jackson came by your house with a rented car. He had somebody else in the car with him but he didn't bring that person into your house. He talked to you briefly at your house. Later that day you got in touch with him, and eventually met up with him perhaps about 1:00. You had a small gun, a little automatic. Got in the car and headed out the expressway, Jeffries Expressway, 275, got off at Six Mile. Eventually parked that car on Curtis and decided that was not too good, moved it up onto Country Club, a couple houses south to the Perry house. You got out of that car and went into a garage through an unlocked side door... You started prying a window on a Nova, the window shattered, with a screwdriver. You also pried a door to the house while Mike was kind of... or Bobby was looking around kind of looking out the window. Bobby went in first. He had the gun. Looked around a bit on the lower level, started upstairs. Started looking around through the bedrooms. You came upon this guy, opened the door, turned the light on, seen he was awake, shut



the door. Turn the light on (inaudible). Bobby Jackson heard the commotion. Came down, you were going down the stairs. He started down the stairs, the guy, poked his head around the door and yelled "Get out of here" or somethin' like that. Fired off a shot. You went up when you heard the one shot. Then he went up to the bedroom, another bedroom where Mrs. Perry was, did talk with her. You eventually left the same way, took the CB radio and another little (inaudible), left the house, got back in the car, and drove back to Detroit on Six Mile. You got the gun back.

WHITE: (inaudible)

HOFF: Now let me just throw in a couple other things now. Now, first of all, you know we got it right.

WHITE: You may have but you're wrong about me.

HOFF: We're not wrong about you. We know you were there. The only thing, we've got a lot of people involved in this. O.K., there are five people involved in this whole thing. You're only one of them. You kind of got in on it on the tail end. You didn't do the shooting, of course the main person here you didn't do the planning, the woman set it up which was the wife. She's the one that's really, the person who instigated it, the person who started it right from the start. So you're just a small peg in the whole thing. You're just a part of the whole picture. We know the whole story now, we

know everything, now. You're involved in a murder one, you're gonna be charged shortly, you're gonna be going to court. The only thing now that remains is whether or not you decide to tell us about it, cooperate, see what kind of a deal we can get worked out for you. This is going to be based solely on what... your cooperation here.

GARRISON: Do you know what murder in the first degree carries in Michigan?

WHITE: Life, all day.

GARRISON: All day, all the time, doesn't it. Now last night you told me, hey, you don't care it don't matter to you.

WHITE: How can I win, you know, the truth will come out.

GARRISON: Well, the truth will come out already.

HOFF: The truth is out from other people. Already. You know it is because I can't tell you a story like that that you know is true unless I have the facts.

WHITE: I don't know if the story's true or not.

HOFF: You do know the story's true because you were there. What if I told you you were wearing socks over your hands? [silence]

GARRISON: How does that sound? Huh? How would we know that?

WHITE: I don't know. How would you know it? I don't even know it...

-6-

WHITE: It sounds good.

HOFF: It sounds so good its true, and that's the way it happened. O.K., let me go a little further. At the shooting, just after the shooting, Bobby Jackson threw you a little plastic zippered bag. When you got in the car you found there was \$900 dollars in the bag with some I.D. You guys split that. You got 450, he got 450. [silence] You want to take the whole shot? We don't need anything from you at this point. We don't need a statement from you. We got you now. We got you uptight. You know that. We got it. We don't need you. But on the other hand, we're giving you a chance to make a statement, to come clean with us, get it out in the open. You know...

GARRISON: Once this is off your back and everyone knows about it, your gonna feel a hell of a weight taken off your shoulders. Your stomach is gonna relax a little bit more. It's knowing that we know right now is what's tearing you up.

WHITE: Nothin's tearing me up.  
(inaudible)

GARRISON: O.K. fine.

HOFF: We know Charlie White, uh Knight was involved in this right from the start. We know what he did. We know it was his idea, as far as settin' up Bobby with the deal.

GARRISON: Charlie Knight as of Sunday night this past week was trying to get money on this damn thing. Was still trying to get the money. We have almost sixty witnesses right now who will be testifying. And one of those witnesses is going to be Bobby.

HOFF: Bobby is the guy that actually did the shooting.

GARRISON: Right now, down in Detroit there is a trial going on, where a man was shot and killed, murdered in from of the Soup Bowl, his name is Willet. He has this enterprise, corporation where they're gonna build a restaurant on a boat in the Detroit River that fell through. So the people who lost all their money they went out and got an insurance policy on 'em. And the insurance policy just happened to be the amount of money they lost in this business venture. They hired a guy to knock him off. The man who is testifying right now, for the people, for the people, is actually the guy that did the shooting.

HOFF: The guy that they're... they're really after the people that set the job up. And that's the same in this case. The person that started this whole thing was Mildred Perry.

-7-

GARRISON: We wouldn't be here today if it wasn't for her. Her greed of wanting close to half a million dollars, I believe, was the amount of money, involving an insurance policy, and her husband's property, is what brought this to a head.



They're being separated, the divorce was going to be final 'round the first of the month which is already here and if that would have happened she would've only got a portion of the property settlement and that's it. She had him killed and she would have gotten the entire package. All the insurance policies would've been double indemnity. So that's her motives for having it done. [pause] Michael just don't shake your head. We wouldn't be... we wouldn't be throwing these things to you if we didn't know the whole entire story.

WHITE: It sounds like you guys have things under control.

GARRISON: Pardon?

WHITE: Sounds like you have everything under control. You've got everything together you know what you gonna do? I got to say that I don't know nothing about anything. I ain't killed nobody.

HOFF: I'll tell ya, the only thing we don't know what we're gonna do. We know that we're going to charge you with murder one. We know that your gonna get arraigned today. We know that the bond will probably be so high that you won't be able to get out. It doesn't have to be, but it's gonna be high. The only thing we don't know at this point is how we're gonna treat you in a couple of weeks down the line when we get down to the circuit court, whether we're gonna let you plead to something less, or whether we're gonna stick with our evidence and nail you all the way up for murder in first degree.

GARRISON: Well, there is only one way to go about it, by his, by his being negative, he's gonna have to go to trial, that's all there is to it. You understand that.

WHITE: Yeah.

GARRISON: The only way you can plead to anything is by knowing that you are guilty of something. One thing is, we want the gun.

HOFF: We know you can help us with that. We know that you got the gun.

WHITE: Yeah, I'd say something like that yesterday. Actually what I told you nothing, that Bobby said you told me about it, I knew about it. [tape over for 17 seconds]

GARRISON: And Charlie is truthful what part he played in to it. He wasn't there. Now if you weren't there, Charlie thinks that you were there, and Bobby says you .ere there with him.

HOFF: Yesterday, Bobby did say, you knew about it. But Bobby at that time didn't say anything more, about you. Today, Bobby said a little bit more.

GARRISON: Now I think you need a brick to hit you against a wall to realize that your in serious trouble here and that the only way that you have any hope is by us. I don't know what your gonna think, how if you want an attorney, I'll tell you what an attorney is gonna tell ya, an



attorney is gonna tell ya don't talk to police. I can tell you that right now. Don't talk to the police. But, the attorney doesn't go to jail, does he?

HOFF: You know what the attorney does when you say that, the attorney know that that's going to get a trial, even if he's appointed he gets paid by how much trial days.

WHITE: If I did tell ya', I'd still go to trial.

GARRISON: No, you wouldn't go to trial. It's not necessary to go to trial. The thing here is there's a gun out, and we need the gun.

HOFF: You know what matters? We're talking not that you're gonna go to jail or not. You're going to jail.

GARRISON: There's no doubt about it.

HOFF: We're talking about how much time you're going to go to jail. Is it going to be three or four years? Is it going to be 20 or 25 or 30 years?

GARRISON: Or a lifetime?

HOFF: That's what we're talkin'. You cooperate and say 'hey, o.k. guys this is the way it was, the gun's over here' That's the only loose end we got. Is the gun. We don't need the gun to convict.

GARRISON: We want the gun off the street.

WHITE: Just cause I was with him that's why I'm involved with it now.

HOFF: That's right. We know you didn't set it up. You went along...

WHITE: I ain't talking about that. I'm talking these other things I got arrested for...

GARRISON: Don't worry about the other thing. That has nothing to do with it. Your here for murder right now. Your arrested for murder.

WHITE: I've been arrested for murder. If I wasn't around, you wouldn't have a case.

HOFF: We would have got you one way or the other.

GARRISON: That's right Michael. We already had him. We already had him but [tape over for one minute and 15 seconds]

HOFF: Michael White went with me that night (static) I had the gun. I went up the stairs first. I was the shooter.

GARRISON: Now we didn't say you were the shooter. He said he was the shooter. The same thing with Charles (static) and the man who pulled the trigger. He's involved in a conspiracy. He's involved in the pre-planning. He's involved in the planning afterwards. And tryin' to obtain the money for you. (static)

HOFF: You've got yourself into a mess Michael. You've got to know that by now. But we're...

WHITE: You got the wrong man....punish myself...(inaudible)

HOFF: Well, you made a mistake then, you went with him and now (static) you went with Bobby Jackson that night...

WHITE: I didn't go anywhere with Bobby.

GARRISON: Well, how you gonna clear yourself man?

WHITE: I'm not gonna even try.

GARRISON: Oh, not gonna try, eh? You gonna go with murder one. That what your gonna do? (static)

HOFF: We're gonna let the shooter, Michael....

WHITE: Ah, I'll just, you know, get myself a lawyer, and pull myself together because I ain't did nothing.

HOFF: You're with a guy who pulled the trigger and said (static) and tell me that's murder. You know darn well. You know Mike, you're gonna go....if you keep that stance that you are at right now and not tell us we're gonna go to trial and convict you as simple as that. You're gonna end up going on the original charge and probably Mrs. Perry gonna go on a regular charge, but Charlie, he's cooperating, we're gonna let him off with something easy. And even the guy that did the shooting, Bobby Jackson.

GARRISON: See, it's the old story that the train is pulling out of the station, somebody is gonna be on the train and

somebody is gonna be off the train. If you want to be on the train, now is the time to do it.

HOFF: We don't...we don't want a statement from Mildred Perry. We got her uptight. We got her...

GARRISON: We refuse to talk. Her attorney...

HOFF: We won't even talk to her...

GARRISON: ...was in here yesterday and we won't even talk to 'em.

HOFF: She wants to cut a deal right now. In fact you know what she wants to tell us? I'll tell you what she wants to tell us. She wants us to say, "hey, o.k. guys, yeah I did hire a couple of guys, but all I wanted them to do was to beat up my husband. I didn't think, I had no idea for the world that they wanted..."

GARRISON: This is what her attorney sort of implied and this is what we heard...

HOFF: That's gonna be the defense.

GARRISON: Before the arrest (static)

HOFF: We're not gonna buy that because we've got enough evidence, we know that she wanted her husband dead. She paid money, we got a lot of evidence. Got a lot of physical evidence. She made a lot of mistakes. You guys made some mistakes. So hey, you want to lay it out for us?



We'll take a statement and get this thing resolved...We want that gun. (static) ... the murder gun.

GARRISON: The whole story here is this, buddy. Now I'm not going to sit here cause I don't have the time or patience. I have to work a lot of long hours. What we want is the murder gun. In consideration of the murder gun, we may do something for you then.

HOFF: I'll tell you right now.

GARRISON: Otherwise, the heck with you. If we gotta go to trial, another thing about that, if we have to go to trial on Mildred Perry, most likely we're going to because we aren't going to talk to her we're not going to give her any plea, her attorney's already been paid \$10,000, its my understanding, to go to trial. We gotta go to trial on one its just as easy to go to trial on two. O.K.? O.K. now I told you about the train coming out of the station. About your playing games. Either your going to be on it or your not going to be on it. Now, this is it I'm gonna walk out of here with it. In two minutes you either make up your mind now or I'm walking out and that's it. Now I'll appreciate it if you say one way or another you want to get on the train or you don't want get on the train. Let me know now. I had to go to court and get a search warrant to get some handwriting from her because of some evidence we got last night where she wrote a letter to somebody about this. Now Michael, you've got some sense in your head and you know we are not playing games with you. It's up to you, how many years you want to

stay is up to you buddy. Think of your family...and think of down the road a little bit. Don't think about today. Think the long way down the road a little bit. Three to five years is a long time. Three years. When you were gone, 24 months I think it was, that was a long time. Twenty-five years is even worse, a lifetime is even worse. Now you want to help us, or not?

WHITE: (inaudible) ...help you, right here, what do you want to know?....just the other day, you didn't even pay no attention to that.

GARRISON: What did you say?

WHITE: I said, I said if I could try to find out something for you...

GARRISON: You are not tryin' to, look, you're trying to pull a smoke over me buddy, I'm telling you the straight skinny. I telling you the straight level. [tape over for 24 seconds] Why should I screw around with this for?

WHITE: I mean, I got the patience. You got me locked up.

GARRISON: What do want me to do, sit down here and say that you kept repeating to me, "Hey I didn't do it", "I didn't do it", when we know that you did it?

HOFF: How much time did I spend with you yesterday? I talked with you for maybe an hour and a half, right? Yesterday I didn't know too much. Today I know a lot



more. And I do know that you weren't the shooter. Yesterday I, I, I started thinkin' you might be the shooter but I didn't have a lot of information, today, I got lot more. I

ARRAIGNMENT (1 AUGUST 1979):

(The defendants were brought into the courtroom at this time.)

THE COURT: The case of the People versus Mildred Vernell Perry, Chare Anthony Knight, Robert Bernard Jackson, and Mike G. White. You are each charged on date of July thirteen, 1979, at 17938 Country Club in the City of Livonia, the County of Wayne, the State of Michigan, with count one, conspiracy to murder; count two, murder, first degree, premeditation; count three, possession of a firearm in the commission of a felony. Under count one, you did wickedly, maliciously and feloniously conspire, combined, confederate and agree together and with each other, and with diverse other persons for the purpose and with intent then and there to commit the crime of murder, first degree; contrary to Section 750.157(a) of the Michigan Compiled Laws Annotated, and Section 750.316 of Michigan Compiled Laws Annotated.

Count two, feloniously, deliberately, wilfully, and with malice aforethought and with premeditation did kill and murder one Rothbe Elwood Perry, contrary to Section 750.316 of Michigan Compiled Laws Annotated.

Count three, did then and there carry or have possession of a firearm, to-wit: a twenty-five caliber automatic pistol, in the commission

-166-

-13-

or attempt to commit a felony, to-wit: murder, contrary to Michigan Compiled Laws Annotated, 750.227(b).

These are the charges. They are all felonies.

To the charge of possession of a firearm in the commission of a felony, count three, how does Mildred Vernell Perry plead?

MR. BOCKOFF: Stands mute, Your Honor.

THE COURT: The Court will enter a plea of not guilty. As to Mildred Vernell Perry on County two, conspiracy to murder, how does the defendant plead?

MR. BOCKOFF: She stands mute, Your Honor.

THE COURT: Count one, murder in the first degree, how does the defendant, Mildred Vernell Perry plead?

MR. BOCKOFF: She stands mute, Your Honor.

THE COURT: The Court will enter a plea of not guilty. Chare Anthony Knight, as to the charge of possession of a firearm in the commission of a felony, how do you plead?

MR. KNIGHT: Stand mute.

-167-

THE COURT: The Court will enter a plea of not guilty. To the charge of Conspiracy to Murder, how do you plead?

MR. KNIGHT: Stand mute.

THE COURT: The Court will enter a plea of not guilty. As to the charge of murder in the first degree, Chare Anthony Knight, how do you plead?

MR. KNIGHT: Stand mute.

THE COURT: The Court will enter a plea of not guilty. Robert

-14-

Bernard Jackson, to the charge of possession of a firearm in the commission of a felony, how do you plead?

MR. JACKSON: Stand mute, sir.

THE COURT: The Court will enter a plea of not guilty. Robert Bernard Jackson, to the charge of conspiracy to murder, how do you plead?

MR. JACKSON: Stand mute.

THE COURT: The Court will enter a plea of not guilty. Robert Bernard Jackson, to the charge of murder in the first degree, how do you plead?

MR. JACKSON: Stand mute.

THE COURT: The Court will enter a plea of not guilty. The case of People versus Mike G. White on a charge of possession of a firearm in the commission of a felony, how do you plead?

MR. WHITE: Stand mute.

THE COURT: The Court will enter a plea of not guilty. Mike G. White, to the charge of conspiracy to murder, how do you plead?

MR. WHITE: Stand mute.

THE COURT: The Court will enter a plea of not guilty. The case of the People versus Mike G. White, on a charge of murder in the first degree, to that charge, how do you plead?

MR. WHITE: Stand mute.

THE COURT: The Court will enter a plea of not guilty. In the case of the people versus Robert Bernard Jackson, and Michael White, and Charles Knight, you have each filled out an affidavit for appointment of counsel. Will each of you raise your right hand. Do you swear or affirm that the statements made in these affidavits for appointment of counsel are all true?

(Defendants responded.)

THE COURT: You each indicate yes. The Court will recommend appointment of counsel in each case. I'll set examination date. I'll tentatively set

it for the ninth of August at 1:30. If your counsel wish adjournment at that time, then you may have an adjournment.

MR. BOCKOFF: May I respectfully address the Court?

THE COURT: Yes.

MR. BOCKOFF: How will I be apprised of who the other representatives of the defendants are so that I may communicate with them?

THE COURT: You may ask the Court Clerk as soon as she is notified, or ask her when she sends or calls for appointment of counsel to notify your office of the parties, or to have the Circuit Court notify your office of parties that are appointed.

MR. BOCKOFF: Thank you. Thank you, Your Honor.

THE COURT: This being a charge of murder in the first degree, all defendants are remanded to jail without bond.

MR. BOCKOFF: Would it avail counsel to address the Court on the subject?

THE COURT: No.

MR. BOCKOFF: Very well. Your Honor, may I suggest to the Court that there has been presently an outstanding complaint and



-170-

-16-

warrant against Mildred Perry arising out of the same facts and circumstances charged. And now, which complaint and warrant is she to face?

THE COURT: That will be dismissed and this is the warrant that we will proceed to examination and trial on.

MR. BOCKOFF: Is there presently an order of dismissal or is the Court now entering an order of dismissal?

THE COURT: I am verbally entering it, and the police department will bring it in and prepare it or you may prepare it if you wish it signed.

MR. BOCKOFF: No. I accept -- I accept the Court's order.

THE COURT: All right.

-171-

MICHIGAN COURT OF APPEALS OPINION

This item was contained in the Appendix to the Petition for Certiorari filed by Petitioner.

MICHIGAN SUPREME COURT OPINION

This item was contained in the Appendix to the Petition for Certiorari filed by Petitioner.